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Legislative  
Assembly  
of Ontario



Assemblée  
législative  
de l'Ontario

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## Official Report of Debates (Hansard)

F-26

## Journal des débats (Hansard)

F-26

### Standing Committee on Finance and Economic Affairs

Fair Workplaces,  
Better Jobs Act, 2017

### Comité permanent des finances et des affaires économiques

Loi de 2017 pour l'équité  
en milieu de travail  
et de meilleurs emplois

2<sup>nd</sup> Session  
41<sup>st</sup> Parliament

Friday 14 July 2017

2<sup>e</sup> session  
41<sup>e</sup> législature

Vendredi 14 juillet 2017

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Chair: Peter Z. Milczyn  
Clerk: Eric Rennie

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Président : Peter Z. Milczyn  
Greffier : Eric Rennie

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## LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON  
FINANCE AND ECONOMIC AFFAIRS

Friday 14 July 2017

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES FINANCES  
ET DES AFFAIRES ÉCONOMIQUES

Vendredi 14 juillet 2017

*The committee met at 0932 in the St. Clair College  
Centre for the Arts, Windsor.*

FAIR WORKPLACES, BETTER JOBS  
ACT, 2017LOI DE 2017 POUR L'ÉQUITÉ EN MILIEU  
DE TRAVAIL ET DE MEILLEURS EMPLOIS

Consideration of the following bill:

Bill 148, An Act to amend the Employment Standards Act, 2000 and the Labour Relations Act, 1995 and to make related amendments to other Acts / Projet de loi 148, Loi modifiant la Loi de 2000 sur les normes d'emploi et la Loi de 1995 sur les relations de travail et apportant des modifications connexes à d'autres lois.

**The Vice-Chair (Ms. Ann Hoggarth):** Good morning. We are meeting this morning for public hearings on Bill 148, An Act to amend the Employment Standards Act, 2000 and the Labour Relations Act, 1995 and to make related amendments to other Acts.

Each witness will receive up to five minutes for their presentations, followed by up to 15 minutes of questioning from the committee.

A reminder: This room is an extension of the Legislature, and the same decorum is called for here. There's no clapping or cheering.

Are there any questions before we start? No? Okay.

## CUPE LOCAL 543

**The Vice-Chair (Ms. Ann Hoggarth):** I'm going to call the first witness, CUPE Local 543.

Sir, please state your name for the official record, and then your five minutes will begin.

**Mr. David Petten:** My name is David Petten. Good morning. I would like to welcome the committee to Windsor. I appreciate the opportunity to speak.

Just a brief introduction: I'm the treasurer of CUPE 543, which is a composite local representing municipal, health, housing and daycare workers in Windsor. As well, CUPE 543 is a member of the Windsor-Essex Regional Chamber of Commerce. Although I do not speak for the local chamber, I can tell you that we fully support the minimum wage increase and the timetable to implement it.

Today I would like to share my thoughts on two aspects of Bill 148 which I believe need further enhance-

ment. I'll be touching on card-based certification and personal emergency leave. I know the committee has likely already received feedback on these issues, but hopefully, if nothing else, adding my voice to those of past presenters will underscore the importance of strengthening these provisions.

First, I'd like to thank the government for introducing measures that would allow card-check certification in three more industries, but I would like this committee to consider extending that provision to all sectors.

When I was much younger, I worked at an automotive parts plant in Kitchener-Waterloo. My employer operated a family-owned business which began in the late 1800s. The only problem was that although the leadership changed over the generations from one son to the next, their methods for dealing with their workers did not. Workers felt that they were treated unfairly and that they were not valued for their contributions. There were numerous health and safety concerns, and workers had the mangled and missing appendages to prove it.

Finally, I and others decided we needed a union. During those days when we were signing up our co-workers, it was an intense time. The fear of being fired if found out caused many sleepless nights.

When the application was made with the OLRB, the employer was predictably angry. They immediately started an intimidation campaign and attempted to identify the organizers. Those five days seemed like a lifetime. The sense of foreboding became amplified one day over the next.

Finally, we were all called to a meeting where they made it clear that they would shut down the plant if we joined. Co-workers began to have doubts, and until the vote was revealed, we were uncertain as to the outcome. Thankfully, the majority overcame their fears and joined the union, but this is not always the case.

Vulnerable, precarious workers now exist in every industry and sector. They should not have to experience what I experienced. Those five days waiting for a vote are nothing more than an opportunity for employers to threaten and intimidate workers into voting no. When it comes to workers' rights and protections, making it easier for workers to come together and work collectively in a union to improve their situation is essential.

Regarding personal emergency leave, I would like this committee to consider increasing the number of paid days to seven. Stats Canada reported that Ontario's aver-



age sick leave for 2016 was approximately seven days, a statistic that does not include other leave to take care of ailing family members and home emergencies. Two paid days will not be enough to keep sick workers at home. When serving vulnerable populations like my members do in health and long-term care and daycare, reporting to work ill can exacerbate an already difficult outbreak or create a life-and-death situation.

Additionally, if a worker is dealing with the threat of sexual or domestic violence or experiencing it, they should have access to an additional 10 paid days.

I am pleased with the provision of not allowing employers to abuse and further weaken our health care system by requesting doctors' notes. However, some of the members I represent have an employer who frequently places workers on a sick-note requirement. This, in effect, penalizes workers who are ill because they have to pay for the sick note for every instance. Banning sick notes even beyond the 10 days would be preferred. In the alternative, shifting the burden of costs for those notes to the employer may aid in mitigating the abuse.

Finally, back to the minimum wage increase: As mentioned, I support the increase and timetable, but I do sympathize with small business owners, the lifeblood of our communities, whom I believe are being manipulated by organizations like the CFIB and Fraser Institute.

I trust that when distinguished economists tout the benefits of the increase, which will pump billions of dollars into the economy, small businesses will reap the benefits along with workers. As such, I caution the government against any knee-jerk reaction to further tax breaks to lessen an unproven burden. At best, it may create a solution in search of a problem. At worst, further tax cuts may undoubtedly lead to further cuts in public services, the other lifeblood of our communities. In essence, government would be giving to workers with one hand and taking away with the other, a measure which wouldn't benefit anyone in the long term.

Thank you. I'm available for questions.

**Ms. Ann Hoggarth:** Thank you. We open the questions this morning with the third party. MPP Forster.

**Ms. Cindy Forster:** Thank you, Dave, for being here today and for your presentation.

We've heard from probably 80 groups over the last four days. There were representatives, certainly, from employer-side law firms who assured us that there are never reprisals during organizing campaigns. I was glad that you actually shared that story today with the committee, because in my experience in my organizing days, I don't believe there was ever a campaign where there wasn't a reprisal or a termination. Do you want to expand on that a little bit?

**Mr. David Petten:** I fully agree with you.

I think that in my situation, the employer was taken aback. They never believed that their workers, who they thought they had complete control of, would ever look for an outside remedy to help their situation. So I think that precipitated the extreme response we got from them, which was to create this frenzied activity at the plant and

then, ultimately, to call us into a meeting and, in no uncertain terms, express to us, "Hey, if you go through with this, we're done with you. We're going to close the plant, and we'll move our business elsewhere."

**0940**

In the workforce that I was present with at the time, there were a lot of recent immigrants who were employed at the plant, and young people, with everyone looking to do a hard day's work, but just looking for the employer to acknowledge the concerns they had and to try to address them.

People automatically think that when people want to join unions, it's all about wages, but from my experience, that's never the beginning point. It's usually to address some serious concerns. In our case, it was a number of accidents that occurred because of health and safety issues. Even though we had the ministry come in after those accidents, it didn't seem like things got any better. It just got worse.

**Ms. Cindy Forster:** Bill 148 addresses the ability for a terminated employee or a disciplined employee to try to get some redress at the labour board after a campaign, under the current certification process, but only from the date that you're certified until the date that you get a first collective agreement. Can you explain to the committee how that needs to be retroactive to the beginning of the campaign?

**Mr. David Petten:** Yes. When we first contemplated joining a union, we reached out to—at the time, it was the CAW. They told us the dos and don'ts of engaging with co-workers. They told us, for instance, "You can't promise anything. We'll do our best, but you can't actually make any promises." They warned us that should the employer become aware that we were part of this drive, we would probably be in a certain jeopardy in terms of our continued employment. What we did was, we didn't actually meet with co-workers on the employer's property or anything like that. There's always a concern that an employee who is not going to agree with you is going to report back to the employer, so we were cognizant of that.

Given that there are no just-cause provisions, which would be another welcome addition to the legislation, you're pretty much putting your livelihood at risk in order to make things better for yourself and your co-workers. To extend it back would be a great addition as well.

**Ms. Cindy Forster:** So the risk is really during the campaign and not after certification?

**Mr. David Petten:** I wouldn't suggest that it's only during the campaign. It certainly is heightened during the campaign. As I mentioned in my remarks, there was a concerted effort by the employer to find out who was organizing. During that time between certification and first contract, for the people who were suspected of organizing—and I was one of them—there was intense pressure put on them by the employer. My shifts—

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you. We'll move to government, please. MPP Milczyn.



**Mr. Peter Z. Milczyn:** Good morning, Mr. Petten.

**Mr. David Petten:** Good morning.

**Mr. Peter Z. Milczyn:** Thanks for coming out today. It's always a pleasure to come to Windsor, whether with committee or otherwise.

You're right: I've heard similar concerns in other communities. I wanted to put into context why Bill 148 was written the way it was.

Throughout the Changing Workplaces Review, which was a very intensive, exhaustive, lengthy review where we tried to get into every aspect of the ESA and the LRA, and really understand the kinds of changes that people across Ontario wanted, the issue of precarious workers was coming up again and again—a large and disparate group across the province of a variety of workers who really were enjoying very little protection, notwithstanding the labour laws as they are, especially the ones who are in dispersed workplaces. It might be one security guard in one office building, and all of his or her co-workers are in various other buildings, so they never see each other because there's no one place where they ever gather, and if they want to unionize, how could they possibly go about it—and PSWs and others.

That's why card-based certification—we decided that we have to extend it to those groups. Really, they are the ones who would likely have no other way to ever organize into a union, if that was their choice.

So I just wanted to put that into context, as to why we chose certain groups and not others.

I understand your point: You would like it extended across all groups. But I would ask you, are there any particular groups the legislation doesn't cover who you think might really need it? Is there one particular industry or sector you think we've missed that you think is particularly vulnerable?

**Mr. David Petten:** I don't have a specific sector, but what I can share with you is that when we think of vulnerable or precarious workers, we're usually thinking of industries where there's a female-dominant presence; where there are a lot of newcomers to Canada; where there are also usually younger workers, racialized workers. I don't know that there's any sector I could speak to that doesn't have that combination of workers.

While I appreciate the theme of the bill—I get that the government is trying to be proactive in addressing precarity. At the same time, I don't think that it actually goes far enough. I don't understand how one worker's precarity in the sectors that are being added is any more prevalent than any other sector. Even in the public sector, we're seeing that there's a shift to part-time work, which is obviously another category of precarity. If the government is truly serious about attacking this problem, you need to give us the tools to help you do that. You'll find a willing partner in labour if that's the true intent. That's why I'm suggesting it needs to be much more broad-based than it is right now.

**Mr. Peter Z. Milczyn:** The aspect of the bill where we've brought in a requirement for employers to provide employee lists during a sign-up drive or a certification

drive—do you think that's a positive aspect of the bill? Do you think we got that right?

**Mr. David Petten:** That is a positive addition for sure, but I think—and I'm not well versed on this, but I do believe there are also opportunities to abuse that new provision. Maybe the language needs to be tightened up to make sure that unions are being provided with—

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you. We're going to move to the official opposition. MPP Yakabuski.

**Mr. John Yakabuski:** Thank you, David, for joining us this morning.

You touched on a number of things, and probably the most significant one that Mr. Milczyn and you have been conversing on is the extension of card-based certification.

I've heard some of the stories—I've heard yours and I've heard various ones throughout. I've been travelling with the committee all week.

First of all, we believe in the right of every person to organize, should that be their choice. Any heavy-handed tactics of intimidation on either side should be opposed. Any employer that would engage in that is doing something wrong, quite frankly, and anybody who would lose their job as a result of that—I think that's wrong as well.

**0950**

Having said that, I'm not sure that we're ready to extend certification across the entire labour market at this point. If the government proposes an amendment, that will be up to them.

I did want to touch on—and certainly I agree with you 100%—the issue of safety concerns. My son works in the trades. I don't know how many times we talk about it and I tell him, "Just remember you've got to work safely. Yes, you have a priority to your job, we understand that. You have a job. But your number one priority is to come home every night"—well, he works sometimes different hours, but to leave that job site safe and healthy. So I think that's a huge issue. Any job site that is not being maintained in a safe manner is one that should have corrective action taken against it.

On the issue of sick leave, I hope that people are able to negotiate with their employers. It wasn't even a negotiation when I came home to run our family hardware business in 1981. I had worked for Ontario Hydro—maybe I should have stayed—and within a year, it was still my father's business, but I was running it, I gave my employees five days of sick leave, as an independent small business man. It's not seven, but it was also 1981—or I guess it was probably 1982 or 1983 when I actually extended that. We treated our people like family. I think that's an important thing. I think that option is open to every business, to make those determinations.

I do want to challenge you a bit on the comments of the CFIB, because we did have independent business people here, not here with the CFIB, but talking about their own huge concerns about what could happen. They weren't opposed to the \$15 an hour, David. They were opposed to the speed at which it's going to be implemented because they're small businesses and they only



have so many ways that they can generate revenue. It's the speed at which it's being implemented.

Anyway, I'm doing all the talking, so maybe you could comment or respond to my comments, if you don't mind.

**Mr. David Petten:** Certainly. No disrespect to small business owners—like I said, they are the lifeblood of the community. When it comes to large corporations that are really not invested in a community—it's the small businesses that actually keep Ontario working, and this community, Windsor, working, so I don't want to downplay their concerns.

But in terms of implementation, I guess what I've heard is, "We need more time." They've never—from what I've heard, anyway—established a timetable to say when this will work for them. I believe if you were to suggest to anyone—for someone who doesn't want to take some difficult medicine, so to speak—"Would you rather take it tomorrow or next week?" They would suggest next week. So I think that the timetable may seem tight, but at the end of the day, in order for it to actually have meaning—because we still have inflationary costs; costs continue to rise—

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you for your presentation. I would remind you that the deadline to send a written submission to the Clerk is 5:30 p.m. on Friday, July 21.

**Mr. David Petten:** Thank you.

#### WINDSOR WORKERS' EDUCATION CENTRE

**The Vice-Chair (Ms. Ann Hoggarth):** Our next presenter will be the Windsor Workers' Education Centre. If you would give your name for the record, we will begin your five-minute presentation.

**Mr. Paul Chislett:** Good morning. My name is Paul Chislett. I'm the president of the board of the Windsor Workers' Education Centre. Thanks for being here.

I really appreciate this chance. It occurred to me that it is almost two years ago to the day that the workplace review panel was here in Windsor. It has been a long, long process, and I appreciate all the work that has gone into it.

I'd like to start with some anecdotes that I have, just to give you a sense of who we see. For non-union workers, their only protection is the Employment Standards Act.

A PSW—"D," I'll call her—in Canada for 10 years from Jamaica, worked at a rest home that changed owners. Under the original owner, the workers were paid minimum wage and had a fairly good relationship with the employer. The new owner was said not to want Canadians working there and brought in a new secretary from Toronto to manage the place. D's hours were cut. She eventually got her shifts back, but the employer said that he would pay the workers \$1,005 a month. D typically worked five days a week, with eight- and 12-hour shifts. She's owed, right now, thousands of dollars as the employer seeks to close the rest home. This pay

cut is predicated on workers being unsure of their rights and unwilling, of course, to be unemployed.

Two other PSWs, H and Y, came into the workers' centre recently. Originally from China, they have been in Canada for some years. Their first language is Mandarin. They also work at a rest home where the owner is in Toronto and local managers run the facility. There have been ongoing personality conflicts between co-workers and between workers and management as well. While getting a statement from H and Y, who were fired, it was evident that no one in the facility fully understood their rights and responsibilities under employment law—especially the management, who appear to be failing to ensure a workplace free of harassment and violence.

H is a young woman originally from Sudan, in Canada for three years. She goes to school, including English-language training, and went to work for a company that acquires fabric, sorts it and sends it overseas, where it's recycled for clothing. She was not paid for all the hours that she worked, and she recently won a settlement for her claim under the Employment Standards Act, which we helped her file. However, this particular employer has a long record of exploitation and wage theft in Windsor and the Toronto area. He hires newcomers and people on social assistance to sort and pack cloth. He will not pay them. He's always asking workers to hang in and promising the pay will come. In 2010, almost a dozen workers were sent to the workers' centre by a settlement officer at the YMCA, and those workers were owed thousands of dollars. This guy used to operate in Toronto and moved to Windsor. When he was in Toronto, he used to stiff landlords and truck drivers and anybody who was in his way, it seemed. He's a repeat offender.

If anything, these stories illustrate the need for such workers to be able to unionize with as few impediments as possible. This is an important time for workers in Windsor. This has been a long process, as I mentioned, and workers are long overdue for improvements in wages and working conditions.

I also want to note that the workers' centre fully endorses the submissions that you'll get from the Toronto Workers' Action Centre, Parkdale Community Legal Services, and the Migrant Workers Alliance for Change. We also come in contact with migrant workers, along with other agencies as well. These are probably some of the most disempowered and vulnerable workers in any jurisdiction in the world. There are thousands of them working right now in greenhouses and packaging plants. Their right to unionize, with unions having full access to the workers to educate them on unionization, should be guaranteed. You have the chance to make that happen in the next couple of months, and I urge you to do so. That such workers are denied the right to freely associate into unions is a denial of a basic human right.

We also support the increase in the minimum wage. I'd like to see the sub-minimum wages eliminated, and get it implemented as quickly as possible, as it seems it's going to be.

The personal emergency leave—I'll just try to touch on some of these before I run out of time, but they're in



the report—we'd like to see it, of course, to be seven paid days.

Scheduling has been the bane of existence for non-union workers. Thanks to the report by the action centre in Toronto, we know there appears to be a large flaw where the proposed legislation fails to require employers to provide schedules at all. Without that, it's going to be pretty difficult for workers to build a case that, under these new rules, they will be able to enforce the new scheduling.

Unjust dismissal is also a huge problem, especially, as one anecdote points out, where the workers were fired—  
1000

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you. Time is up.

The first round of questioning will be from the government. MPP Milczyn?

**Mr. Peter Z. Milczyn:** Thank you, Mr. Chislett, for coming in today. I appreciate your submission.

You mentioned that you attended some of the consultation on the Changing Workplaces Review. When you look at Bill 148, how closely does it reflect your input into that process?

**Mr. Paul Chislett:** Well, I have to say, I remember that they told us, "There's no way we're talking about the minimum wage," because they had just fixed that. So when the report came out for the panel's work and the first thing in the news was about minimum wage, that was a surprise. I suppose nobody saw that coming.

I wish there was more in it—and I don't know all the details, because I'm really micro-focused on what's happening in Windsor and the Employment Standards Act and non-union workers, but I wish it was made easier for workers to unionize. The personal emergency leave is progress, but I think it would be very helpful for workers if that was increased.

I had the sense, from following the news media after the panel had come through here, that they really were hearing a lot about precarious work and the inequality in the workplace—the fact that workers were falling further and further behind and that workers don't have a voice in the workplace, and the loss of dignity, especially around racialized workers. I was a rather privileged worker when I was in the wage workforce. What I've seen now in my nine years at the workers' centre, especially with racialized women, is really horrific. I can't tell you how many times I've heard from workers saying, "I can't believe this is Canada." There's that image of this country as a fair and square place, yet, when they come to work in Ontario, they find out something different. I think that panel heard that, and, from what I can gather from this, it's a start. Bill 148 is a start. We will continue to organize and try to make improvements over time.

**Mr. Peter Z. Milczyn:** So you said that, on the one hand, they were told in the review that minimum wage isn't on the table, but then you also heard through that process how workers are struggling. That's actually what happened. Throughout that process, while the government had already made some really profound changes to

how minimum wage would be implemented with regular increases, we did hear that narrative: The employment standards are very important—modernizing them. The Labour Relations Act is very important—making sure that if workers want to organize in a union that there be a level playing field to do that. But, even if we did all of that, people would still struggle to make ends meet. We heard that loud and clear. That's why we moved forward on a minimum wage increase, to raise things to a level where people could actually live if they're at the bottom of the wage scale.

I was wondering, if you look at the combination of various elements of Bill 148, there is some paid leave—I understand your position on that. But the changes to how worker scheduling has to be handled, the requirement for equal pay for work of equal value, and the protections for workers from temp agencies—we know some employers use temp agencies to skirt the other aspects of the ESA—do you think these are going to make significant improvements for some of these most vulnerable workers?

**Mr. Paul Chislett:** Yes—especially to level the playing field with not understanding who is in charge, who is actually the employer, with temp agencies. Again, the whole thing around counting who is really an employee as opposed to a private contractor—this is pretty important too. Essentially, I'm for anything that empowers workers in the workplace.

The workers' centre is an advocacy centre, but we try not to do things for workers all the time, but to help workers take on the issues themselves—to train the trainer, that sort of thing; even if there isn't a union, to come together and act as if there is one—

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you, sir. We'll move to the official opposition. MPP Yakabuski.

**Mr. John Yakabuski:** Thank you very much, Paul, for joining us this morning, and thank you for the work that you do for vulnerable workers.

On the issue of bad employers: There would certainly not be anybody in the Legislature who would defend those practices. People like that not only shouldn't be operating a business, perhaps they should be in jail. Anybody who exploits others, I haven't got a moment of time for them.

There are an awful lot of good employers out there as well, and we have to remember that, but people who operate in the way you've described them? There's no sympathy for them. In fact, they shouldn't be in business at all. Unfortunately, they exist, and by the sounds of it they continue to exist when they—

**Mr. Paul Chislett:** They shouldn't.

**Mr. John Yakabuski:** They appear and rise from the ashes like the phoenix and take advantage of people in a different location.

**Mr. Paul Chislett:** Yes.

**Mr. John Yakabuski:** I wanted to ask a question, because you said something about the elimination of sub wages. What exactly did you mean by that?

**Mr. Paul Chislett:** Well, there's still going to be a lower wage for liquor workers and students. We think



that it's discriminatory, really. So if you're doing the work, it should be the same rate of pay.

**Mr. John Yakabuski:** I'll touch back on that in a second.

On the seven paid days: I was talking about that earlier—but it is something that employees can certainly speak to their employer about. I know that when I brought it in—if I had been required to bring it in, obviously I would have brought it in, but I wouldn't have felt as good about it as an employer. When I brought in sick days to our little hardware store, it was something we felt good about. We made the decision that we thought we could do it. We also brought in a benefits plan, a health plan, at that time: dental, long-term disability and drug coverage and stuff like that. We sold the business in 2001, so I've been out of the business for a long time.

But on the sub wages, we've heard testimony, and we've got graphic illustrations. Actually, we've talked to some people in the foodservice industry, and I get it. For example, we were in the hotel having breakfast this morning, and it was a provided breakfast, a buffet, so those people helping around the tables there—I don't know what their wages were, but they wouldn't have been getting much in addition. But because most people are saying 90% of tips are from credit cards now and they track the tips, if they brought in the data they could number the employee and say, "\$38 an hour," "\$34" or "\$37." This is what they actually made as a result of the tipping that they were allowed to keep.

I guess, depending on the circumstances, I understand what you're saying, but how could you say to a person who is making \$38 an hour by getting tips that—today it's \$9.90; whatever is going in the bill—you should make more as a base wage?

**Mr. Paul Chislett:** Well, I don't think we should be making labour legislation in the workplaces. People will know that if a worker is making \$15, they'll probably tip accordingly. People tip now—it's just a guess; I mean, I do it all the time, and I try to tip what's fair—knowing that the worker will be relying on that, but a tip is supposed to be something that's a little bit extra for the good service. It's not reliable, right? You need a reliable, steady wage that tells you that you're going to be able to make ends meet.

**Mr. John Yakabuski:** This was averaged, of course, across a year. They did a yearly tabulation.

**Mr. Paul Chislett:** I think tips will adjust. If people know that workers are getting paid fairly, they'll adjust the tips, and good for the worker if they're able to make a little bit more.

**Mr. John Yakabuski:** Okay. I appreciate your view on that. Those were a couple of questions I wanted to clarify with you. Thank you very much.

**Mr. Paul Chislett:** Thank you.

**The Vice-Chair (Ms. Ann Hoggarth):** To the third party: MPP Hatfield.

**Mr. Percy Hatfield:** Good morning. Hi, Paul. Thanks for coming in. About a month ago I went to a chamber of commerce breakfast where they had three experts on

labour law, three lawyers, explaining their understanding at that time of this bill. I don't think I'd be out of line in saying the minimum wage was an issue, but it seems to me that one of the larger issues was the paid personal leave, because many of the employers in the audience felt this would just be extending the annual vacation time, if you would.

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I haven't travelled with this committee, so I don't know what they've heard elsewhere. But what would your reaction be to the management argument that the paid personal leave is just an extension of annual leave?

**Mr. Paul Chislett:** I wouldn't get it. Vacation is something that you plan for and that sort of thing, but emergency leave is something you've got to have just for what it's called—it's an emergency. So it's two different functions, as far as I'm concerned. I can't see how you could equate the emergency leave with vacation.

Where I used to work, we didn't have emergency leave days, but we could bank days. If you had enough seniority and you had enough vacation—"Well, maybe I'll take a vacation day if I have to"—all those options.

So it's about increasing the options, as far as I'm concerned, for workers. I really just don't see how you can equate emergency leave with vacation time.

**Mr. Percy Hatfield:** I am also interested in your comments about the people working in agriculture. They're probably some of the most disempowered and vulnerable workers in any jurisdiction in the world.

It's my understanding that in Alberta—I forget the government that's in power there. What party is it? Oh, yes, that's—

**Mr. John Yakabuski:** I'll look it up for you, Percy.

**Mr. Percy Hatfield:** Thank you.

They have now allowed migrant workers to unionize. Is that an example—obviously; what a softball question—that you would recommend to this committee?

**Mr. Paul Chislett:** What always blew my mind was that, again, you allow those workers to organize in other parts of Canada but not in Ontario. Obviously, there's a problem right there.

People say, "How can you organize migrant workers? They're not here all the time." It's going to be a tough job for a union, to maintain solidarity and that sort of thing.

But empowering workers to negotiate on working conditions and wages and any other items that could go into a collective agreement—it just baffles me why that's a problem. Business associations come together all the time and nobody bats an eye, but as soon as something comes up about workers wanting to organize, it's like, "Oh, my God." It's just a basic human right. Union after union after union proves that ordinary working people can come together in an organization and bargain contracts. They're not going to put themselves out of work. They're not going to put anybody else out of business. It's clearly about a power relationship in the workplace. There are some people who don't want to share power, and there are other people saying you must.

That's where I come from, usually, on this.

**Mr. Percy Hatfield:** When I follow media coverage of this committee, it normally comes down to the minimum wage. There are people out there who say, "I will have to lay people off or cut people's hours if I have to pay them more." What is your counter-argument to that?

**Mr. Paul Chislett:** Man, don't even go there. What works best is putting money in the pockets of workers. It's spent in the local economy, and it's supposed to raise everybody.

I think what happens is, business owners—and I'm not criticizing—tend to focus on their business and their livelihood, and forget that we're all part of this society. It's a system. Everything works as a system. So if you're inserting more money into the system the way it has always worked, everybody should benefit—and nothing benefits more than the local economy. I'm sure you've heard many times that workers are not hoarding their extra cash overseas or spending it on Porsches and that sort of thing; they're spending it on the things they need in the local community. So it should be a benefit for all of us.

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you for your presentation. If you have any further written submission, it needs to be to the Clerk of the Committee by 5:30 on Friday, July 21.

**Mr. Paul Chislett:** Thanks very much.

#### ONTARIO SECONDARY SCHOOL TEACHERS' FEDERATION, DISTRICT 9

**The Vice-Chair (Ms. Ann Hoggarth):** Our next presenter will be the Ontario Secondary School Teachers' Federation, District 9. If you could please state your names for the record, and then your five minutes will begin.

**Ms. Tracie Edward:** My name is Tracie Edward, and I'm the vice-president of the Ontario Secondary School Teachers' Federation, District 9, which consists of six bargaining units of educational workers in various job classes who live and work in Windsor West, Windsor-Tecumseh and Essex.

I am here with Mario Spagnuolo, vice-president of the Greater Essex elementary teachers, who are also employed by the local public school board.

Today I am going to share my perspectives as a co-worker, as an educator and as a mother, to encourage you to strengthen Bill 148.

Equal pay for equal work, and pay equity, are principles which any modern society must take measures to guarantee, through laws and regulation. K-to-12 education workers are often predominantly female. Generally, women are more likely to be part-time workers, often ununionized, and to have low pay and little benefits.

The currently proposed Bill 148 contains two exceptions to equal pay that should be changed to mirror the exemption language in the Pay Equity Act, which requires an employer to show that differential pay is both objective and does not discriminate based on sex.

Bill 148 should be strengthened by replacing the phrase "same work" with "similar work," and by allow-

ing workers access to wage structures so workers know what compensation others in the workplace are receiving.

Another step to ensure equal pay for equal work is to remove the sub-minimum wages for students and liquor servers in the proposed bill. We should not be exploiting certain workers because of their age or their field of work.

Bill 148 currently proposes that all workers would be entitled to 10 personal emergency leave days per year, including two of these as paid days. If loss of pay is a deterrent, many workers will go to work sick, which will just spread their illness. The legislation should be improved by providing seven paid personal emergency leave days, since this is generally the average number a worker would need.

These days should be without a medical note requirement, since the medical community also believes the requirement of a sick note is not only a deterrent to taking a sick day, but creates even more opportunities for the spread of illness.

Not only do our members exhibit a caring nature in their everyday interactions with students, but educators and our unions have a passion for social justice issues, particularly those that affect our students. Increasing the minimum wage can help families earn sufficient funds to meet children's nutritional, emotional and cognitive needs. Over the years, governments have repeatedly promised to eliminate child poverty, but this is only possible when we realize that child poverty exists due to family poverty.

Increasing the minimum wage to \$15 per hour is long overdue, and Canadian economists agree that it will benefit the economy, especially since it is often large employers who are paying minimum wage, leading to increasing income disparity between the workers and the profits collected by the owners. Even before the proposed increase to minimum wage, OSSTF District 9 had already committed to be a living wage employer, since we realize the importance of this initiative.

I am also a mother of two sons, and an aunt to many nieces and nephews, in their teens and twenties, trying to find meaningful employment. As educators, members of OSSTF and other teacher affiliates, we are also concerned about our students and their struggles to find work to pay for their education or begin to support their families.

Last summer, my son returned to Windsor after his first year of university and applied to almost 80 jobs, but was only called back for two. Unfortunately, he was called by both in the same week: a large department store, paying minimum wage for up to 24 hours a week, to avoid paying benefits; and a temporary agency, which would call him in for the midnight shift each day but offer no job security.

After several days of trying to juggle both jobs, he turned down one shift at the temp agency, explaining his need for sleep. Unfortunately, because the temp agency has unreasonable expectations, they never offered him any further shifts, so he lost an additional source of income despite his good work ethic.



I am thankful that the proposed Bill 148 will begin to address some of the concerns with contracting out, temp agencies and large corporations who pay minimum wage to mostly part-time workers, especially since many of these workers are not just students and young people but are parents struggling to support their families.

Thank you for your efforts to improve labour and employment laws in Ontario. As a union rep, I would like to see labour law provide more opportunities for unionization, since unions ensure workers are treated fairly in their specific workplaces. As a citizen, I would like to see the employment laws improved to meet the needs of all workers.

1020

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you for your presentation. We will move to the official opposition. MPP Yakabuski.

**Mr. John Yakabuski:** Thank you very much, Tracie, for joining us this morning.

After my wife and I sold the hardware business, I actually had an OSSTF card for a while. The vice-principal asked me if I wanted to do some supply teaching. He actually encouraged me to go to teachers' college after that; I was working well with the youth at the high school. I said, "Dennis, I'm almost 45 years old"—I was at that time; I'm 60 now. I said, "I think I'm going to pass on the offer."

You talked about the student wage. So many employers that we've heard from in the last four days—small business employers who traditionally employ students—have said, "It's an entry job." For most of them it's their first job, in these small businesses. If they didn't have a differential, they might not be offering that job to that young person.

I'm sorry about your son's situation there with the department store. Was it a department store? Yes. So many young people are struggling to get that first job, and students especially, that if we discourage employers from actually hiring them by saying, "You've got to pay them the same wage, if it is minimum wage, as a permanent employee," that maybe those—you know, your son applied for 80 jobs. Was it 80 jobs? He got called back on two.

Are you not concerned that there might be fewer opportunities for not just your son, but people like your son—they're out there everywhere—if we forced employers, the first time that student or young person walks through that door, to pay them the same rate as if they're an adult or a full-time worker? Are you not concerned that that could actually be detrimental to their chances of getting that first job and maybe having a chance to show their employer that they have a lot of qualities that would encourage them to raise that wage?

**Ms. Tracie Edward:** I hope employers would not think that way. I know there are some government subsidies, even, to help employ students. I just think that if we pay some workers, especially based on age, at a lower rate, it is discrimination, and I think it could be seen as a human rights issue. They are doing the same

work in a lot of cases, and not necessarily just entry-level work. Some of them are doing exactly the same work as the regular workers. I think that we really need to make sure that we're treating everybody fairly and paying them for the work that they do.

**Mr. John Yakabuski:** I understand your thoughts. But we have, for example, a graduated driver's licence system where we say, "Until you show that you have the experience, we're going to limit you; you can't drive on the 400-series or you can't drive alone." You know, when you turn 16, you get a licence and for the first year or whatever it is—I can't remember; the youngest of my kids is 26. But some could say that's discriminatory; if somebody can pass the test, let them drive. But because we feel that we've had to give reason—that that young person has shown the experience and the maturity to drive safely on our roads—we've restricted them. We've treated them differently than I'm treated at 60 years old. That's technically discrimination as well, but there is a difference in how we treat them.

Asking someone that—your first job, until we see that you can—we want to see you work to get better. The government, the jurisdiction, whatever it is, says, "We're going to start you at a lower rate." You don't see that this actually encourages employers to bring those people into the marketplace?

**Ms. Tracie Edward:** I think many times, employers will start people at minimum wage and then slowly increase it once they show that they are doing the job. I don't think we should have someone below minimum wage—

**Mr. John Yakabuski:** What was that? I'm sorry, Tracie?

**Ms. Tracie Edward:** I don't think we should pay someone below the minimum wage because that's been determined to try to raise people out of the poverty level. Students have a lot of expenses, as well. My son was living away from home, and trying to get a job just while he was back here in the summer was a little difficult.

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you.

**Mr. John Yakabuski:** Thank you for your thoughts, Tracie. I appreciate it.

**The Vice-Chair (Ms. Ann Hoggarth):** We'll move to the third party. MPP Forster.

**Ms. Cindy Forster:** Thank you, Tracie and Mario, for being here today and for your presentation. We've heard from a lot of people over the last four days, and we know that many workers and families in this province are at a tipping point because of the precarious work that has come to be the norm in this province. We heard from a medical officer of health this week and from people in community legal clinics representing precarious workers that it isn't just the minimum wage we need—we need that absolutely and they supported a \$15 across-the-board wage increase—but they said that people living in poverty need a basket of things. They need the wage, they need some sort of minimum health benefits—for everyone in this province—they need the emergency leave because if they're single parents, with little kids in



particular, they need to be able to be at home. We also need to stop the spread of infectious diseases, so the medical officer of health said that they actually encourage people to stay at home in their area, particularly in public health and in the long-term-care homes that are run municipally.

What is your opinion around only having two paid days for emergency leave for workers in this province, and what other things do you think the government should be doing to improve Bill 148?

**Ms. Tracie Edward:** Yes, I think that two emergency days are definitely not enough. There are so many different types of emergencies, not just sick leave. We've had some issues with flooding basements in our location lately. I think we need to have more emergency days to deal with not just the sickness of ourselves but the sickness of our children.

In our occupation, we're unionized and we have a collective agreement that gives us more sick days, but for people who are non-unionized and depending on the Employment Standards Act, they need to be able to have the funds to deal with these emergencies without quitting their jobs. It will lead to less turnover in their employees—because I know some of my nieces and nephews, because they didn't have emergency days to take, have had to quit jobs. I think that is something that's really important for everyone who has family members to take care of.

The other issues that the government could look at are not necessarily in the Employment Standards Act, but making sure that employment is accessible by providing adequate and accessible daycare. The other issue in the schools is, we have children coming to school hungry, and if those students had access to the food programs in the schools on a regular basis, not just through charity, all children would be able to be fed, even if their parents were unemployed.

**Ms. Cindy Forster:** Thank you. How much time do I have left?

**The Vice-Chair (Ms. Ann Hoggarth):** A minute.

**Ms. Cindy Forster:** Mario, would you like to add anything in that minute?

**Mr. Mario Spagnuolo:** I would just add something about the sick notes and the requirement of using a sick note. It's not just an employment issue; it's also a health care issue. We have clinics being plugged up with people trying to get sick notes to validate that they're actually sick. It's kind of ludicrous that there is that requirement. It also, in some cases, forces people to go work sick, and we don't want to do that because that's just going to perpetuate the illness spreading. That's another area that I think needs to be looked at when we're reviewing the legislation. Thank you.

1030

**Ms. Cindy Forster:** Thank you. There's also the issue of the increase from two weeks to three weeks of vacation, but the government is proposing that as only for people who have been employed by the same employer for a five-year period. Really, only people in permanent

jobs that lasted longer than five years would actually get that increase. With today's workforce the way it is, I think that we're going to be leaving out a large sector of vulnerable workers, who will never see an increase in the employment standards from two weeks to three weeks. Would you agree with that?

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you. We move to the government. MPP Milczyn.

**Mr. Peter Z. Milczyn:** Thank you, Ms. Edward, for coming today and sharing your views with us in your presentation.

You raised a number of issues, so I'm just going to try to go through them.

You mention how women particularly become vulnerable to some of the deficient workplace standards and poor practices in some workplaces. There was a study released earlier this week that looked at Bill 148 and said that a lot of the measures here, though they're going to help all workers in Ontario—it's actually women workers who are going to get more benefit out of it, because they've been in more precarious situations than male employees have. Do you think that's an accurate statement?

**Ms. Tracie Edward:** Yes. I do believe that the provisions in the bill will definitely be to the advantage of women in the workplace, because they're in some of these precarious jobs already. But I think there are some things that could be tweaked to make it that much more powerful.

One of the aspects in pay equity is comparing job classes, to make sure that the women's job class is being paid as much as the men's. If the phrasing that's used is to compare jobs that are "the same," it's a bit too restrictive, because employers sometimes manipulate that and say they're not exactly the same. So it should be "similar" jobs that are compared.

**Mr. Peter Z. Milczyn:** You raise the issue of some of the employee classifications that would continue to have a lower minimum wage. You gave the story of your son coming home for the summer and looking for a summer job.

There has traditionally been, I believe, for liquor servers, about a 13% differential between the general minimum wage and their minimum wage. We've heard very clearly over the last four days, in hearings in different communities, about the amount of gratuities that liquor servers can get. It seems that in most cases, their minimum wage coupled with gratuities would almost always put them above even the general minimum wage.

Can you understand why we would look at continuing that, to ensure there's more of a playing field, and not to disproportionately try to affect the hospitality sector?

**Ms. Tracie Edward:** I still think that the minimum wage should be the same minimum for everyone. I do think that people will tip differently if they know that the servers are being paid appropriately. I think that people will still be going to those establishments and going to the restaurants. I don't think that will stop them from spending the same amount of money in the establishment. It will just be put directly to, and guaranteeing, a minimum for the server.

I think that some of those studies might not be looking at the smaller restaurants that people pay cash at. Those are the ones where sometimes there will be a lull. Maybe the meals that they serve are less, so the tips they receive are less. Those are the people that we need to protect, to make sure that they are sustaining a minimum income.

**Mr. Peter Z. Milczyn:** Similarly for students, traditionally there has been a lower wage, partially to encourage employers to hire students and partially as an offset for the fact that students often—it's a first job, they don't have the same skill set, the younger ones might not be used to going in to work; and also, the fact that generally, by definition, a student is there for a few months in the summer; there might be a couple of shifts during the week. They're not permanent employees. That might not be the ultimate job that they end up in. That's why traditionally, there has been a lower student rate and why we think it's appropriate to stay with the lower student rate.

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you very much for your presentation. If you have a further written submission, it needs to be in to the Clerk of the Committee by 5:30 on Friday, July 21.

#### MR. ROBERT MAICH

**The Vice-Chair (Ms. Ann Hoggarth):** The next presenter is Robert Maich. Welcome. Please state your name for the record, and then your five minutes will begin.

**Mr. Robert Maich:** Thank you, Madam Chair. My name is Robert Maich. Thank you to the committee for allowing me to appear.

I appear today as a concerned Ontario resident, concerned for this province's prosperity as well as the well-being of all its citizens. I have participated in the Ontario economy as self-employed, employer, employed, employed public sector organized and employed private sector organized, and I want to speak to you today from all those perspectives.

What concerns me the most in this initiative is that I have not seen a careful analysis of its costing to the province. This is of particular concern to me because we need to make a thoughtful decision as to what we're doing and the economic impacts of it. I'm also wondering, quite frankly, why we're proceeding with continuing under the minimum wage regime, if the object is to fight poverty and increase social equity, as opposed to looking at mechanisms such as minimum income. By looking at mechanisms such as minimum income, do we not then share the responsibility and cost of this analysis throughout our society broadly instead of loading it onto 2.1% of the population?

The analysis that I have seen says that in 18 months, there will be a 32% increase in the minimum wage. I don't quite think that analysis is correct because it omits other employer costs, such as long-term employees and the scheduled increase to CPP. I think the cost of employment will increase to about 36% in many cases,

and I think that number comes somewhere around \$18 an hour.

Ontario represents a little over 40% of the national economy. By the government's own analysis, about 30% of its workforce will be affected by this legislation and receive some type of increase from 38% down to a smaller amount, call it a medium of 18%. In the cost analysis, how can this occur without spurring significant inflation? If 30% of the employed workforce of the largest province in the country is affected, will we not wind up with 2%, 3% inflation out of this? If that occurs, how will the central bank respond? Are we not going to see back-to-back quarter-point increases for the next two to three years?

TransUnion analyzed that one million Canadians will be adversely affected by just a 1% increase in interest costs. If we go ahead with this without analyzing it, if interest rates run 2% or 3% ahead, will you not de-house families by the tens of thousands in the most vulnerable markets, such as Toronto?

1040

I ask the committee to seriously consider the full economic effects of what it's doing, and how it affects the people it's trying to help. Will minimum wage workers now have to run to three or four part-time jobs? And how many small employers will no longer be able to operate? You need to have an analysis that carefully considers all the economic factors of this initiative.

**The Vice-Chair (Ms. Ann Hoggarth):** Questioning will begin with the third party. MPP Hatfield?

**Mr. Percy Hatfield:** Hi, Robert. Thanks for coming in. If my memory is correct, you're a small business man as well as a lawyer? You own a barbershop, the Golden Razor?

**Mr. Robert Maich:** I am, but I am speaking to you today from the perspective of someone who has been in all parts of the economy. I have worked as organized public sector. I have worked in the organized private sector. I have been an employer. I have been self-employed. I've worked as a professional—which, by the way, has the least labour protections of all the areas.

My purpose here today is to talk in a very broad societal sense, because it affects me and my family and the people I work with, as well as the future of my children, profoundly. My parents came from a people's republic to this country for freedom, and I believe we have freedom, but we also need to have fairness, right? It is from that perspective, from a broad sense, that I want to see how we grow our economy, because I am concerned that we have not grown our economy the way it should have grown over the past two decades.

When I worked in the auto plants, I earned \$16 an hour 30 years ago. New employees are starting at, what, \$20? I don't understand where the idea of \$15 being a living wage comes from. We have a system of a minimum wage. A \$15 living wage? I think that's maybe an American idea, but a living wage, I think, is a lot more than that. I think we need to look at this in a broader perspective that causes less disruption.



**Mr. Percy Hatfield:** I suppose \$16 an hour 30 years ago in a car plant—based on the selling price of a car in those days, which would be a third or less than the cost of a car today—and it's only gone up \$4 in 30 years? I suppose proportionately workers aren't earning enough in a car plant these days, based on the selling price of a car.

**Mr. Robert Maich:** I think you'd be at \$60.

**Mr. Percy Hatfield:** All right. I guess my question is, if you have more people earning more money, aren't the people at the lower end of the economic scale going to reinvest that money directly back into the local economy, be it at the barbershop, be it at a Mac's convenience store or a 7-Eleven or a Circle K? Aren't they going to spend that money on food and clothing for their children? Aren't they going to benefit the economy overall if they have more money to spend? As it was said earlier, I think by Paul Chislett, they're not investing it overseas somewhere.

**The Vice-Chair (Ms. Ann Hoggarth):** Sir, just before you answer, could you back a little ways away?

**Mr. Robert Maich:** Oh, sorry.

**The Vice-Chair (Ms. Ann Hoggarth):** That's okay. Thank you.

**Mr. Robert Maich:** Absolutely. I think the foundation of our economy is turning over its value as quickly as possible, but it's a matter of how we achieve greater earning power for all Canadians, all Ontarians. What is the right mechanism to do it? I don't think that we have come to a good understanding of what is the least disruptive and the most positive way of getting to this. We've assumed the old model works.

**Mr. Percy Hatfield:** On the other hand, Robert, I think—if I'm correct; I know I'll be corrected if I'm not—that the Liberal plan on minimum wage prior to this would not have seen a \$15 minimum wage until 2032, based on their annual cost-of-living increments.

**Mr. Robert Maich:** Yes. I think what you're looking at is—the government looked at saying, "There's a certain dollar value that we think is going to be the minimum wage, and we're just going to fix it at that, based on inflation." There was no attempt at addressing a broad societal issue as to what is a living wage. I think there has been a complete shift. What motivated it, I don't know, but there has been a complete shift in what the government is looking at.

From my perspective, this needs to be a broad societal discussion, and it needs a different mechanism. This type of downloading I don't think is fair to anyone—particularly, more than anyone, the workers affected.

**Mr. Percy Hatfield:** You think the workers will be discriminated against by earning more money in the long run?

**Mr. Robert Maich:** Not discriminated against. How much more difficult is it going to make their life?

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you. We'll move to the government now, please. MPP Milczyn.

**Mr. Peter Z. Milczyn:** Good morning, Mr. Maich. Thanks for coming in today and giving us your presenta-

tion. You covered a number of issues. You mentioned basic minimum income.

**Mr. Robert Maich:** Correct.

**Mr. Peter Z. Milczyn:** In fact, the government has embarked on a pilot project of that in several communities across the province.

**Mr. Robert Maich:** I understand that, and I believe the federal government is looking at this initiative on a national scale as well.

**Mr. Peter Z. Milczyn:** We're proud that Ontario is a leader in it. Manitoba did it some 25 or 30 years ago, and nobody has looked at it since, not to the extent of actually bringing it in. So we're looking at it. That might be one aspect of helping Ontarians.

You called this measure "downloading," and you said it's monolithic and one-directional. In fact, what the government is doing is a multi-pronged approach. We've created free tuition for some 200,000 students in the province. That will make it easier for students to make ends meet. It will make it easier for low-income families to have some certainty that their kids can get post-secondary education. For the first time ever, we've made that program available to anybody of any age. You could be a 45-year-old worker who wants some additional training, who wants a career change, and you can go to college or university, with free tuition, and get that.

**Mr. Robert Maich:** Absolutely.

**Mr. Peter Z. Milczyn:** That's one aspect of trying to help build skills up, so that people will be better positioned to earn a better living in the economy.

We've lowered the cost of hydro 25%, on average, across the board, which helps residents, and helps businesses as well, as businesses especially cope with some of their cost pressures.

We've brought in pharmacare for those 25 and under, so young people, who might be students, who might be part-time workers just getting into the workforce, don't have to worry about their prescription medications.

We're expanding child care across the province, which is going to help a lot of families, particularly women, get back into the workplace, and make it easier for them to get into the workplace.

When you look at all of these measures that are meant to make it easier for Ontarians to participate in the workforce, get their skills and lower their costs, and then you also bring in a higher minimum wage, which would be a living wage—we've done these other measures to make life affordable. Do you still think that we've just taken a very one-track approach?

**Mr. Robert Maich:** I do, actually. I believe the federal government is largely behind the tuition and—

**Mr. Peter Z. Milczyn:** No, it's not. It's 100%—Ontario tuition is entirely a provincial matter.

**Mr. Robert Maich:** Entirely a provincial matter.

Education is always of great benefit to society. I am, by virtue of my father, a citizen of the former People's Republic of Yugoslavia, and I can tell you how many of my cousins, who would not have had a chance for education, are doctors and other professionals. It's a

wonderful thing to forward education, because there's no investment like building a mind. It is the best possible thing that government can do.

**1050**

As far as pharmacare, I think we're missing a big opportunity in creating a major economic advantage over our competitors in labour costs. We should have universal pharmacare that bans private pharmacare, just like health care. I believe what that will do for Ontario is unleash the same type of economic advantage we had when the Davis, Robarts and Frost government introduced OHIP. It will have the same effect. This piecemeal approach will do nothing.

**Mr. Peter Z. Milczyn:** It's an incremental approach. Now we have youth and seniors covered, with the full range of medication. It's one aspect—

**Mr. Robert Maich:** It's an economic plan that has an immediate effect upon organized labour. It allows them to negotiate differently, and it allows the government to attract more jobs.

**Mr. Peter Z. Milczyn:** Through a lower cost for businesses—

**Mr. Robert Maich:** It downloads it, actually.

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you. We're going to move to the official opposition. MPP Yakubuski.

**Mr. John Yakubuski:** Thank you, Chair, and thank you, Robert, for joining us this morning—interesting presentation.

On the issue of the minimum wage—and you talked about \$15 is really not a living wage, it's going to be the new benchmark for minimum wage.

**Mr. Robert Maich:** Minimum wage is always something to get off of.

**Mr. John Yakubuski:** Correct me if I'm putting words in your mouth; I have to understand it the way I understand it, so I'm going to ask you this—and we are absolutely shocked that before this was announced, there was not an economic impact analysis done to determine what the impact would be.

Are you not saying that basically what the government is doing here is shifting their social responsibility to the vulnerable and the poor onto the backs of a sector that maybe can bear it the least—that is primarily the small business sector that is going to be affected most dramatically by this minimum wage hike in this short period of time—and thereby actually not only harming their chances to stay in business, but to maintain and create the jobs that we're talking about?

**Mr. Robert Maich:** One hundred per cent. And it is interesting that this is coming months before a province-wide election. You're having 1.1% bear the cost of something that will benefit up to 30% of the voting public. It's bare-naked.

**Mr. John Yakubuski:** So basically what you're saying is that if the government wanted to lift the standard of all of these people who are being affected here and being advocated for here, then they should have used a different mechanism?

**Mr. Robert Maich:** Absolutely, 100%. Be it the minimum income—it is such a large societal shift, that this is something that the people of Ontario need to decide as a group. There needs to be a mandate for that. There should not be half now, half after the election—"Vote for me"—it should be, "This is what we need to do to fix the problem. Let's sit down and decide if we're going to have a minimum income, and let's vote on it."

**Mr. John Yakubuski:** Because what these businesses have been saying, Robert, is that they're not opposed to a \$15 minimum; they understand that—

**Mr. Robert Maich:** Yes.

**Mr. John Yakubuski:** —but they're saying, "We don't have the ability in our businesses, because our profit margins are such, that we can absorb that adjustment in the period of time that they're giving us."

**Mr. Robert Maich:** Absolutely.

**Mr. John Yakubuski:** So what you're saying is that the government wants to lift these people, and lift them quickly, but they don't want to do it through the taxation system or the social program system, because that would affect their bottom line, so they're doing it by affecting the bottom line of the business person.

**Mr. Robert Maich:** Yes, I think they believe there's a sort of wealth there that doesn't exist, as far as the better-structured—with respect to small business. It seems as if they analyze food sectors like McDonald's, Tim Hortons, Starbucks and understand that the percentage of labour is small enough and their technology and resources can allow them to come up with the cost-saving measures. But as far as the average small employer, they have no chance to prepare for this in 18 months.

**Mr. John Yakubuski:** You also talked about the inflationary factor. I'm thinking of seniors. My mother-in-law, who was born in Lithuania, never worked. Her husband worked in a sawmill and made basic wages. She's a widow now, 84 years old. The only income she's ever had after are her pensions from the government—I'm not talking about a pension that she worked for; a pension from the government. I hear from people every day in my riding how this is going to affect them and how the cost of living is going to affect them when they need to buy something. They're concerned about how they're going to cope with the increased prices. Do you see that happening?

**Mr. Robert Maich:** Absolutely. But the thing that concerns me the most is that many statistics show that about two thirds of minimum wage workers are living with their parents. I don't know how many are students or young adults who can't afford their own residence, but if we get a 2% interest hike out of this, this could lead to tens of thousands of people de-housed—

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you, sir. Thank you for your presentation.

**Mr. Robert Maich:** Thank you.

**The Vice-Chair (Ms. Ann Hoggarth):** If you would like to submit a written submission, it needs to be in to the Clerk by 5:30 on Friday, July 21.



## UFCW CANADA LOCAL 333

**The Vice-Chair (Ms. Ann Hoggarth):** We now call on UFCW Canada Local 333. Good morning. If you could state your names for the official record, and your five minutes will begin.

**Ms. Bette Patrick:** Good morning. My name is Bette Patrick, and I'm chief steward for Local 333 of the UFCW Canada.

**Mr. Bob Linton:** Bob Linton, UFCW Local 333.

**Ms. Bette Patrick:** On behalf of the members of UFCW Canada Local 333 who live and work in south-western Ontario, we thank you for the opportunity to be here today and present our observations and concerns as they relate to Bill 148.

Local 333 members come from many walks of life and work in almost every sector of the hospitality and security industries throughout Ontario. Throughout the province, you will find Local 333 members working and playing active roles in their communities. Our southwest office services our members from London through to Windsor.

We applaud the government on the introduction of the bill and the proposed changes contained in the ESA and LRA to improve living and working conditions for workers in the province. We also applaud the government for studying the fair-wage program—to update the program to make it more relevant to today's workplaces and to ensure that workers employed in the security guard industry working for private sector contractors and sub-contractors who hold government contracts are receiving fair wages and working conditions. We hope that upon completion, this study will result in the government being a model example of what wage should be paid and what working conditions should be in the security industry.

While both these initiatives are worthwhile, our belief is that the numerous improvements needed to face the challenges that exist in the security guard industry will not be realized in Bill 148.

One of the most newsworthy items contained in Bill 148 is the raising of the minimum wage to \$15 per hour by January 2019. While overall this will be beneficial to low-wage precarious workers, it will do little to address the challenges facing workers in the security industry. Most security guard agencies in Ontario pay minimum wage, most don't offer benefits, breaks or safety equipment, and most require employees to pay for their own uniforms and vehicles. Furthermore, to enter the security industry, individuals must pay for their training and licence which, combined with having to pay for uniforms, could cost close to \$1,000.

Given the cost to just enter the industry, why would individuals take a minimum wage job, risking their own health and safety? This is another example of how Ontario law respecting security guards is hindering them, rather than helping to provide safety and security to Ontario taxpayers and their families.

1100

It is our belief that to retain well-trained, experienced workers in the industry, a minimum wage for security

guards above the provincial minimum wage should be established.

As has been raised in previous hearings and submissions, we believe that clarification is needed to ensure that all security guards will be included in the card-based certification process. While Bill 148 allows for a trade union to apply for card-based certification in respect of an employer providing security in the building services industry, many security companies provide services not related to building services. But Bill 148 also amends the government's regulation-making power under the LRA, allowing it to determine that certain employers are not subject to card-based certification. We do believe that all security guards should have the right to card-check certification, and in fact believe that all workers should have that right and there should be no discrimination as to who can or cannot be certified by card-check.

Another reason for clarity in the security guard sector is successor rights. While the bill proposes the extension of successor rights to the building services industry, would this mean that security guards who are employed protecting businesses other than building services would be excluded from successor rights?

While we believe that Bill 148 is a positive step in improving the lives of working Ontarians, we believe that in the security guard industry, a much broader view of the industry must be taken, to ensure that current needs to provide public security by the industry are being met. We encourage the government to conduct such a review, and we would welcome the opportunity to become part of such a review. Thank you.

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you. We'll begin this round with MPP Milczyn.

**Mr. Peter Z. Milczyn:** Good morning, Ms. Patrick. Thank you for coming in today and sharing your presentation with us.

I just wanted to touch on a few things. Much of what is in Bill 148 is not just the minimum wage. It's about changes to the Employment Standards Act and the Labour Relations Act:

- the provisions around how work can be scheduled;
- paid leave days and unpaid leave days, which all employees would be eligible for;
- taking away the requirement for doctors' notes if somebody wants to access those paid leave days;
- protection of workers from temp agencies, from being basically abused when some employers try to get around the labour laws by using them; and
- equal pay for work of equal value.

Are those the types of changes that you were hoping to see in Bill 148?

**Ms. Bette Patrick:** Some of them, I believe. I'll let Mr. Linton address that.

**Mr. Bob Linton:** I believe it's hard to argue and say that, no, we're not in favour of those. We are in favour of those.

But one of the things that are included in the bill, and what we've touched upon, is the fact of card-check certification, and the right to unionization and collective

bargaining for all sectors. If you have that, a lot of those issues will be addressed in the collective bargaining process. I believe Bette could speak to that, with her collective agreement and what's in it, as opposed to what is even proposed in this bill.

I think that's one of the main reasons why we are looking at this and saying that, yes, those things are good. But if we really want to make them worthwhile and make the bill valuable, allow unionization and collective bargaining for all sectors, with no exclusions.

**Mr. Peter Z. Milczyn:** These are the minimum standards. It's not to say that everybody should have this and nothing better.

**Mr. Bob Linton:** Right.

**Mr. Peter Z. Milczyn:** The approach the government took around card-based certification was that we identified those sectors where we thought the workers are the most vulnerable, where they are in these dispersed workplaces where you don't have everybody coming in to a factory, an office, a store or whatever workplace there is—home care workers, building facility folks—and to try to extend to them a much easier way for them to be able to join a union, if that's what they choose to do. That was why we took the approach we did. But coupled with that, we did some other changes. For instance, we require employers, regardless of the situation, to provide a union with employee lists so that there's the ability to contact employees in that workplace or in that company and be able to communicate directly with them about what the union can offer or do for them.

I appreciate you have a somewhat different view, but can you kind of understand where we're going with it and how we tried to structure this?

**Ms. Bette Patrick:** We kind of understood that the card check for us, in our line of work, would apply to guards working in buildings like hospitals and, say, this place or someplace, or government buildings. But we have guards who don't work in buildings. We have guards who are working in a car lot or out in a field. We're afraid that that would exclude those types of situations from what you have proposed in the bill, and we would like to see them all included.

**Mr. Bob Linton:** If I may, I understand where the government has come from on this issue, but at the same time, being in the industry and seeing what goes on in the industry, saying, "You're going to provide a list," once that's triggered—and if a union applies for that, the employer knows right away that there's an organizing drive on.

I think the realization is that if you have, say, 70% of people signing union cards saying they want to join the union, isn't that actually showing that—

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you very much. We'll move to the official opposition. MPP Yakabuski.

**Mr. John Yakabuski:** Thank you very much, Bette, for joining us this morning.

I apologize. Your name?

**Mr. Bob Linton:** Bob Linton.

**Mr. John Yakabuski:** Bob. Thank you, Bob, for joining us.

A couple of issues: One, interesting—you've proposed a higher minimum wage for people in the security industry. I respect your view on that, but based on everything we're hearing from people who say we should have fewer tiers in the minimum wage grid, I suspect that if we had one, and it was higher than \$15, then we'd be hearing everybody wants everybody up to the highest level as well. So I respect your view, but I'm not sure that that's going to be adopted. I'm just being straightforward with you. But it's up to the government. They have the majority. If you convince them, you'll get whatever you want.

On the card-based certification, I understand the uniqueness, and I suppose when the bill was drafted, there was probably some sense of glee in the security industry—and then when they realized that if the wording is restricting it to those who work in a building, then it simply doesn't apply to your industry as a whole. They could be working a festival; they could be working something going on. Maybe a Canada150 party might have been happening on the streets of Windsor. There might have been all of those kinds of things.

I do understand that and I respect your view. I would suggest that your organization send an amendment to the Chair of the Committee, because all submissions, be they written or verbal, are duly considered and carry the same weight at the committee. I would suggest that you provide the committee with an amendment, and I look forward to seeing that.

Thank you very much for your submission today.

**Ms. Bette Patrick:** Thank you.

**Mr. Bob Linton:** Could I—

**Mr. John Yakabuski:** Please, Bob. Go ahead.

**Mr. Bob Linton:** Yes, thank you. Could I just add a point about your first point? I guess what we're looking for is a point of recognition for the job that security guards do and the security industry performs: protecting the public, protecting property and making sure people are safe in an ever-growing need for security.

1110

**Mr. John Yakabuski:** If you get your certification, Bob—

**Mr. Bob Linton:** If we get to it, yes.

**Mr. John Yakabuski:** —I would suggest that that's part of your collective bargaining with your employers.

**Mr. Bob Linton:** But the reality—I just want to leave this with you—is that you have to remember, with security guards, quite often, in a catastrophic event or whatever may happen, they're the first responders. They're the ones who are calling the police. They're the ones who are calling 911. So it's recognizing the job they actually do.

**Mr. John Yakabuski:** I respect that and I recognize that, but I still say you need to provide the committee with an amendment.

**Mr. Bob Linton:** We shall.

**Mr. John Yakabuski:** Thank you very much. We appreciate your coming.



**The Vice-Chair (Ms. Ann Hoggarth):** To the third party: MPP Forster.

**Ms. Cindy Forster:** Thank you, Bette and Bob, for being here today. Security guard jobs can be risky business. Often they work alone, sometimes on construction sites or protecting property of, perhaps, plants that have closed down or are idled for a period of time while the market improves.

I know from my experience as a nurse, working in hospitals and other sectors, the work that security guards do in that sector. Many hospitals across the province—in fact, most hospitals today have security guards, particularly the large ones. Some of the hospitals have found the funding to actually employ security guards directly and pay them somewhere where they're worth. I know some are making \$18, \$20, \$22 an hour. Other hospitals are still using agencies and bringing in security guards that are making just minimum wage.

I know that 700 nurses in 2015 or 2016 were actually assaulted in hospitals, so I'm sure that there are significant assaults of security guards as well when they present themselves to the units or to the emergency departments to assist in that way. Could you comment on the injuries, the health and safety issues that security guards face on a daily basis?

**Ms. Bette Patrick:** Yes, I don't think people realize that security guards are six times more likely to be injured than on any other job—most of them in the hospitals, where they're in contact with people who could have needles in their pockets and things like that. Proper training is not actually provided for some of the jobs that you're required to do. I know we do have several hospitals that we cover. It's just tremendous the number of complaints that we have and concerns that the guards have, with regard to safety within the hospitals and for the amount of work that they have to do and the dangers that they have to face and what they're paid.

**Ms. Cindy Forster:** The government is seeking to actually exclude a number of sectors—in fact, the majority of sectors—from card-check. They say that they're trying to protect or trying to give the most vulnerable workers—those who don't associate on a regular basis—some assistance to be able to unionize, but there's all kinds of sectors out there where workers are vulnerable, as well. I see every day, you go into a coffee shop and somebody's got their computer and they're working in a virtual office. There are sales jobs, there are IT jobs. I'm sure you can think of many others. Do you want to weigh in on that issue of card-check for everyone?

**Ms. Bette Patrick:** It's my belief that everyone should be able to join a union if they want to. It's their right; it's their choice. I believe that, for card-check, if you have—recently, we had 700 people out of 1,000 sign up to join the union. Come time to cast the vote, we only had 100 votes. That's because they were intimidated by the employer. The vote was taken at the employees' site, which is not impartial. It should be done at an impartial place, and they should have the right to vote the way they want to, without interference. It should be everybody's right to be able to have that.

**Ms. Cindy Forster:** What kinds of things did the employer do?

**Ms. Bette Patrick:** That, I haven't been privy to, unfortunately.

**Ms. Cindy Forster:** I think that's all of my questions, unless you want to add something.

**Ms. Bette Patrick:** No, just that I thank you for allowing us to be here today and accepting our presentation. Hopefully, you'll follow up on the review.

**Ms. Cindy Forster:** Thanks.

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you very much. If you have a further written submission, it needs to be to the Clerk by 5:30 on Friday, July 21.

#### UNIFOR LOCAL 240

**The Vice-Chair (Ms. Ann Hoggarth):** I would call on Unifor Local 240. If you would please state your name for the record, and then your five minutes will begin. Do you have anything to hand out?

**Ms. Jodi Nesbitt:** I don't.

**The Vice-Chair (Ms. Ann Hoggarth):** Okay, thank you.

**Ms. Jodi Nesbitt:** Jodi Nesbitt.

**The Vice-Chair (Ms. Ann Hoggarth):** Go ahead.

**Ms. Jodi Nesbitt:** Good morning. I'd like to thank the committee for allowing me to speak today on this important subject. My name is Jodi Nesbitt, and I am the president of Unifor Local 240. I also sit on the Ontario Regional Council's political action committee. I represent workers in the office, hospitality and retail sectors. We are a predominantly female membership.

I applaud this government for taking a leadership role in creating decent work for all Ontarians. All workers will benefit from these bold and much-needed changes. With pressure from our community and labour advocates, I am pleased that our government has recognized that maintaining the status quo is a disservice to our province. While the minimum wage was not included in the original review, we support the government's decision to increase it to \$15 an hour.

Unifor has been deeply involved in the process to overhaul our employment laws. In 2015, members of our union presented at the public hearings for the Changing Workplaces Review. We have joined with the Ontario Federation of Labour and its affiliates to put forward recommendations and amendments to the current legislation. The union has published more than 250 pages on this topic, including 43 specific and thorough legislative recommendations.

Unifor Local 240 and the Unifor Ontario political action committee support Bill 148, but we are also calling for further improvements to the law so that no one falls through the cracks. We believe the bill needs to be strengthened in four broad areas:

- (1) extending card-based certification to all workers;
- (2) stronger successor rights to stop the abuses of contract flipping;
- (3) protection for women through domestic violence leave; and

(4) extending the concept of broader-based bargaining.

Today, I would like to speak about my views on the importance of paid leave for domestic and sexual violence survivors.

Our union has led the way in negotiating language that will help women when they are facing domestic and sexual violence. Unions have increasingly prioritized this at the bargaining table and put it into their collective agreements. This includes time off the job, training and various accommodations. However, more than 70% of Ontarians don't have unions.

When women must deal with the consequences of domestic and sexual violence, they are often required to miss work. Navigating the legal system, transitioning housing, medical services and counselling take time and resources. Missing work can put their employment and their financial independence at risk, not to mention their safety. This is why I'm here to call on the government and this committee to amend the existing legislation to include 10 designated paid days off for domestic and sexual violence survivors.

Let me share one of the many stories that make me feel strongly about this amendment.

At one of our workplaces that I represent, there is a woman who was being abused by her husband for years. Her work life was definitely suffering, and she was missing more and more time from work. In order to keep herself and her children safe, she finally made the decision to leave, as the abuse was escalating. This required the assistance of the union and the co-operation of the employer, to allow her paid time off work to get a safe exit measure in place. It allowed her time to get counselling, and it allowed her time to seek legal advice, all without raising any alarms to her abuser. If she did not get paid, or used any of her vacation time, her spouse would have been triggered that she was not at work. And if she had to attend the local shelter for counselling in the evenings, or lawyer appointments after work, rather than during those working hours, she would have potentially risked her life or not gotten the help that she desperately needed in order to leave. This would have forced her to stay in an abusive relationship out of fear and no safer alternatives, and definitely would have impacted her employment.

1120

I'm happy to say that for two years now, she has lived independently and free from her abuser. She attributes this to the support that she got from her union and her employer.

We all want to end violence against women. Assisting women to break down the most obvious barriers is all of our responsibility here. Unfortunately, not all workers have a union in their workplace or an employer who understands this issue. Without the amendments to this law, survivors of domestic and sexual violence will continue to be in danger and have no hope of breaking the cycle.

Thank you very much for your time and consideration today. I look forward to your questions and recommendations into the legislation.

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you. This round of questioning will begin with the official opposition. MPP Yakabuski.

**Mr. John Yakabuski:** Thank you very much, Jodi, for your presentation and your advocacy and your passion. Obviously you know some of these situations more intimately than we possibly could, although we all know of situations. Our women's critic, Laurie Scott, Haliburton-Kawartha Lakes-Brock, has been a vocal advocate for strengthening protections for abused women, and also a leader in the fight against human sex trafficking.

I certainly understand what you're asking for. If I were that employer—I get it. I mean, in our small business—it was my father's before mine—one of our employees was with us for 30 years, came back from overseas—they knew each other beforehand when they went overseas, but they came back from the war and worked for us for over 30 years. Another lady worked for us for 40 years, between my parents and myself. It was like family. Some were 10 years or 12, but we had long-term employees. We would have understood those kinds of situations.

But to legislate it—would it be the burden of the employer to absorb that? Or do you think that it should be, in cases of that, that we have a program that covers people in those situations? I mean, for example, we have unemployment insurance, when a person loses their job, where there is money set aside to give them that cushion during that period when they're in between jobs. I'm just thinking from the small business perspective. They haven't commented on anything like this; I'm only hypothesizing that they might be saying, "Well, we think that's a laudable goal, but it shouldn't just have to be absorbed by the small business." In a society where we value our women and the contributions they make and how it's more important than ever for us to ensure that they have a safe environment to live in, whether it be at home or the workplace, is that not more of a responsibility of society in general as opposed to the individual employer?

**Ms. Jodi Nesbitt:** I believe that it is the responsibility of all of us, including this government, to make it accessible. The reality is—there are studies that are out—that it costs employers over \$70 million annually when there is abuse going on, so it does cost the employers now. This is not a cost that is new. In fact, it's probably going to lessen, because women are going to be able to financially get themselves out of very abusive situations from a financial perspective. When you're dealing with things from a financial perspective as women, and in predominantly lower-paid work, they can't afford just to get up and leave.

I do believe that it needs to be in this legislation. It needs to be under the Employment Standards Act. It needs to be separate from the combined leave.

**Mr. John Yakabuski:** Jodi, I certainly appreciate your thoughts on that. I'm sure the committee will give all consideration to your recommendation, because all of us want an environment where women can live safely and find a way to free themselves from an abuser.



Thank you very much for your submission. I appreciate that.

**The Vice-Chair (Ms. Ann Hoggarth):** We'll move to the third party. MPP Hatfield.

**Mr. Percy Hatfield:** Jodi, thank you for coming in. Thank you for telling us about that woman you represented.

In the Legislature, there was unanimous consent from all parties to Bill 26, which was a bill from Peggy Sattler of London Centre. It was the Domestic and Sexual Violence Workplace Leave, Accommodation and Training Act, which would entitle survivors to up to 10 days of paid leave to obtain specific services related to the violence, such as a doctor, counsellor or finding a new place to live, meetings with lawyers, police and so on. As I say, it received unanimous consent.

That's what the Ontario Federation of Labour has called for when we're talking about victims of domestic or sexual abuse.

You balance that with what is in this bill, and this bill could be amended to make that happen: bang. If you pass it at second reading, unanimous consent, it goes to committee, and then it sits at committee. But this bill is in front of the Legislature now, and this could easily be changed, amended and approved.

I really respect the member from Renfrew-Nipissing-Pembroke. He tells stories about his family business and how employees were treated as family. And then he'll throw out the nugget about who should pay for this 10 days: Should that be the burden of the employer?

If you run your business like a family business and you treat your employees as family, there's no burden on you to look after the needs of your employees. That should not be considered a burden. I think, in general, overall, for employers across the province, if you have good employees and you treat them right and give them time off and pay them a decent wage and benefits, they become family. They show up for work, they do a good job, they treat you with respect, and there's no burden involved.

I just think that this committee has the ability to make changes and amend what's in front of us, to put this in the act, as requested, because it has already been approved—Ms. Sattler's bill—and the House had unanimous consent to do exactly this. If you're in a situation of domestic violence, you get 10 days paid so you can look after your family, look after your children, get the counselling you need, find a new place to live, and handle your life, and then come back into the workforce and become, again, a very productive employee.

The challenge I see to the committee—all sides—is to make that recommendation, to make that amendment, to put this into legislation. When you hear the passion from Jodi this morning telling you about a situation that had to be corrected—and thanks to the benefits of the union and union representation, that situation was handled. But what about the hundreds and the thousands of cases of similar situations across the province?

This can be put in the legislation. You can do that, and that's my challenge to the government members: to make sure that this gets put in there.

**Ms. Jodi Nesbitt:** I just want to add that the cost to the employer if there's not that paid leave—it's costing the employer now in loss of productivity. Studies will show that somebody who is suffering with abuse is not as productive and isn't coming to work as often, and so they're not as reliable. So thank you, Percy, yes.

**Ms. Cindy Forster:** Is there time left?

**The Vice-Chair (Ms. Ann Hoggarth):** Go ahead.

**Ms. Cindy Forster:** As Percy said, this bill from Peggy Sattler, one of our members, was passed unanimously and all sides of the House spoke for it. It's sitting at the committee level. It's up to the government to call that bill. That could be done as early as September 9 or whenever it is that we go back.

*Interjection.*

**Ms. Cindy Forster:** September 11, Percy says. It wouldn't even have to wait for this larger bill. I think it's a very important issue for women in this province.

1130

MPP Yakabuski raised the issue of putting a program in place. Well, we know how programs work. It's difficult to access that money. The woman you spoke about would still have no paycheque, right?

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you. The government: MPP Martins.

**Mrs. Cristina Martins:** Good morning, Jodi, and thank you very much for your very passionate deputation and presentation here today.

I wanted, first off, to acknowledge the story that you shared with such passion, and to let you know that I think we all believe, and we all can agree, that all Ontarians deserve to feel safe from sexual violence and harassment, whether it is at the workplace, in their communities or in their homes. We definitely appreciate the amendments that you're suggesting. It's not the first time that we heard that in the last four days, and definitely, the government is listening to these deputations. Why we've travelled what we have in the last four days is to really be on the ground, grassroots, hearing what people have to say about what it is the government is proposing.

You did mention, or I think it had been mentioned earlier, that part of what we're debating here today has been a cumulation of the last two years of consultations throughout the province on the changes to the workplace. Part of the review was the Employment Standards Act and the labour relations board etc.—and that perhaps this \$15 minimum wage was not something that was initially discussed, so it's coming as a surprise to many people. Yet I know that I've heard it in my office for the past two years and have been writing to the minister about it for the past two years. I just wanted you to perhaps touch a little bit on that. I think you may have mentioned it. I think there was someone else that mentioned it earlier.

To me, I just feel that it's a sign that you have a government that's actually listening to what people are saying; that along the past two years and the consultations, this is what we've heard as part of the consultations

on the changes-to-the-workplace review; and you have a government that's actually listening and acting on that.

**Ms. Jodi Nesbitt:** In terms of the \$15, that's been something that our union and I have been advocating for for quite some time, so we've been talking about that for quite some time. We were surprised that it came but very happy that it came. But it didn't go far enough in terms of all of the rest, and so that's why I'm speaking to that.

We know that we've been advocating. We've all been involved in those campaigns and pushing that issue. But I was surprised, yes.

**Mrs. Cristina Martins:** A pleasant surprise.

**Ms. Jodi Nesbitt:** Pleasantly surprised.

**Mrs. Cristina Martins:** The other thing that you touched on—you represent a union that is mainly women, in retail, service and hospitality. You have many women who are part of your union. We know that often, or most of the time, in the retail sector, the foodservice sector and the hospitality sector, it is women and immigrants who make up that workforce.

There was a study that was released earlier this week that spoke to the fact that what we're proposing as a minimum wage would really come in very handy, and would really help bring those women to a livable wage. It would help the new immigrants who are coming to our country, who are working two or three jobs just to make ends meet. This is something that is really going to help them, and have a trickle effect and help the economy as well. Today, there was an op-ed published in Huffington Post Canada that also spoke to the fact—I was going to try to bring up the quote here—that when we bring women up, when we lift women up, “that when women thrive, children, families and communities are stronger. Now is the time for action.”

I just wanted you to speak a little bit about this, since you do represent a large number of women as part of your union.

**Ms. Jodi Nesbitt:** I just want to let you know that, yes, you're right: We do represent predominantly female, but we do represent a lot in hospitality, so a lot of the members who we represent are working two to three jobs in order to get by. They're working at the poverty level, and they're really struggling. They're struggling to get it and to make a decent life for their families. Whether it's a female immigrant or a man, we're seeing that in our local. We are definitely feeling the impact of that, so I am definitely—

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you very much for your presentation. The deadline to send a written submission to the Clerk of the Committee is 5:30 on Friday, July 21.

#### WINDSOR-ESSEX ECONOMIC DEVELOPMENT CORP.

**The Vice-Chair (Ms. Ann Hoggarth):** The next presenter is the Windsor-Essex Economic Development Corp. If you would identify yourself for the record, and you may start your presentation.

**Mr. Stephen MacKenzie:** My name is Stephen MacKenzie. I'm the chief executive officer of the Windsor-Essex Economic Development Corp. Good morning to all of the committee members. Bonjour. I would like to extend a warm Windsor-Essex welcome to you all.

Thank you for the opportunity to appear before you today and present an economic development perspective regarding Bill 148, the Fair Workplaces, Better Jobs Act. I'm going to go through my points quickly, because we have five minutes, but we will be submitting a very detailed presentation.

As the leading economic development agency in the Windsor and Essex county region, we are responsible for advancing economic development to grow and sustain prosperity in the region. Our main focus is to develop and execute strategies to retain, expand, attract and help new businesses to start up in the Windsor-Essex region; in short, to create wealth and improve the quality of life for people who live and work in Windsor-Essex.

I'm pleased to provide you today with input that summarizes some key areas where we see this proposed legislation impacting our economic development forefront the most. In addition, my intent is to outline where we seek the assistance of the committee and the province to work together to develop a framework for this proposed legislation that will grow our economy and build a stronger, more prosperous Ontario, while providing fairness and decency in the workplace and securing the prosperity of our key industry sectors, which ultimately retain and create jobs.

Our priority areas of concern are focused on the following key sectors: manufacturing, agribusiness and small business. By “concern” we mean the impact on the competitive advantage that they hold. We feel there is a need to ensure a fair set of legislation, and we are in support of activities that raise the standard of living and improve the quality of life for our community. As I previously mentioned, that's the primary goal of any economic development corporation. What we are advocating for is a balanced approach with the proposed changes, one that protects both employees and employers.

It's a fact that three of the most important considerations that companies undertake for business expansions or relocations are the cost, quality and availability of labour—very important issues indeed. We're concerned about the impact of the proposed measures on the cost of doing business, and then, in turn, how it affects our competitiveness.

This holds especially true for Windsor-Essex, where we sit 700 metres from the global economy. We don't exist in a vacuum. We have to take into consideration the global charges. We are, in our region, the manufacturing heartland of Ontario, and we're in the middle of North America. The current political climate in the US has indeed created a wave of uncertainty on many fronts for manufacturers, producers and businesses of all sizes. For example, we're ground zero for NAFTA, and you know that.



The following is a sampling of concerns we're hearing from business. In manufacturing, just as a reminder, we have an industry profile of more than 1,000 manufacturers. The GDP is \$3.3 billion annually. That's 28% of our region's total, and it includes 90-plus auto and parts manufacturers, and in excess of 250 machine, tool and die and mold manufacturers.

The Labour Relations Act: The manufacturing sector, especially our automotive and supplier companies, will be challenged greatly by shift notification changes. For example, this leaves companies vulnerable whenever a supply chain interruption occurs and they must cancel a shift at the last moment. Although this interruption is out of their control, they will still be responsible for the direct payout to the employee.

Regarding minimum wage: The sector is also met with the challenge of addressing higher wages, when they are already providing wages well above the minimum standard. The proposed legislation leaves the door open for employees to demand more. The continued support from the province of the manufacturing sector in and out of the most challenging times has been very successful. However, there is growing concern that any transitional funding to assist with the implementation of the current legislation cannot be viewed as sustainable funding. This is true for all sectors.

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The agricultural sector: The Ontario fruit and vegetable industry is estimated to have a farm gate value of over \$1.5 billion, and 70% to 80% of our greenhouse produce is exported to the U.S. There are 2,800 acres of greenhouses in Ontario, and approximately 2,100 acres of that are here in our region. The greenhouse industry calculates that it will experience a \$20,000 to \$30,000 cost increase per acre, in addition to a \$6,000 to \$7,000 cost increase already associated with cap-and-trade. The food and beverage industry will also feel the costs and complexity. They will be less competitive, compared with other jurisdictions. Again, when you start layering on unpredictable energy prices and heavier regulatory burden, they'll have no other alternative but to increase the cost.

Previous minimum wage increases occurred in accordance with the consumer price index. The proposed change to the minimum wage will see the greenhouse sector absorbing a 32% increase in just over two years—

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you. Time is up.

We begin the questioning with the third party. MPP Hatfield?

**Mr. Percy Hatfield:** Thank you, Chair. Is it within the scope of the committee to allow Mr. MacKenzie to—

**The Vice-Chair (Ms. Ann Hoggarth):** You can use your time any way you wish.

**Mr. Percy Hatfield:** You can wrap up if you want, Stephen.

**Mr. Stephen MacKenzie:** Okay, thank you, because I have some recommendations too.

We were going to comment that the proposed changes appear to work against the province's goal of the 120,000 job creation challenge by 2020.

Small business and entrepreneurs: Regulatory burden has been cited as their biggest cost. We want to make that a consideration.

Another point, and I don't know if it was made earlier today: There's a lot of concern about what impact automation is going to have on the job opportunities and labour. According to the Brookfield Institute, in Canada, "Industries with the highest proportion of automatable work activities include accommodation and food services; manufacturing; transportation and warehousing; agriculture, forestry, fishing and hunting...." I have stats here for our Windsor CMA. In summary, in the Windsor-Essex CMA, the proportion of work that is susceptible to automation is 48%; in the Leamington CMA, it's 50%.

Our recommendations are:

—a phase-in/transition pathway for both the minimum wage increases and the changes to the Labour Relations Act for small business and key sectors to help them adapt;

—an agricultural solution with a five-year phase-in period that provides some leeway to the agribusiness sector, including the greenhouse industry, that will allow them to remain competitive in the global market—we don't want any more going and setting up in Ohio, and we know that's taking place; and

—to await an economic impact study across the key sectors to determine the full impact of the proposed legislation.

Thank you, Mr. Hatfield.

**Mr. Percy Hatfield:** I'm wondering, Stephen, if you have suggestions. What can the government do to assist small business with some of the situations that you've mentioned here this morning?

**Mr. Stephen MacKenzie:** Well, for small business, in particular mom-and-pop, it's a very short time frame. They don't have middle-management and HR people.

One of the roles of our small-business centre, which is one of the things that we're running, is to study the implementation. We'll look at programming to help educate on that. But it's a burden; it's a regulatory burden.

What we fear is, especially in the retail sector, that this will further drive companies to do online business versus having a regular storefront. We certainly don't want any more pressure pushing any more of that type of business that way, because that will result in job losses.

**Mr. Percy Hatfield:** When you were discussing minimum wage, one of the lines I wrote down was, "The door is open for employees to demand more." Well, isn't the door always open for employees to demand more?

**Mr. Stephen MacKenzie:** Yes. I'll probably take that out on the written submission.

*Laughter.*

**Mr. Percy Hatfield:** Good.

On the balanced approach, with manufacturers competing with the Americans across the river and with the dollar going up slightly these days, still, there's a big



differential between the American dollar and the Canadian dollar. So even if we're paying more in Ontario, don't we still have that price advantage compared to the American dollar?

**Mr. Stephen MacKenzie:** The exchange rate is definitely helping us. It's offsetting some of those other costs. We view this as the total—we don't just view one factor; we look at the whole competitive situation. So the exchange rate really works in our favour. But the wages going up, the electrical cost, the cap-and-trade impact, and when the federal administration on the other side of the border seems to be taking away those burdens and not paying attention to things like that—we're not here to make a moral judgment on it; we're here to say, "How does that affect the competitiveness and the opportunities for our companies?" It's that chipping away. One of the proposals by itself is not as much, but you layer—I keep saying cap-and-trade, but cap-and-trade and the electrical costs and higher wages: It becomes quite a burden.

We're in the business of creating wealth for our constituents, making the best quality of life and giving them the best jobs that we can. But it's a balance. You can't cut off your nose to spite your face, as it were.

You'll notice any part of it didn't say, "Don't do it." Phase it in. Give people a chance to adapt. Reduce any negative implications that it might have, unintended.

**Mr. Percy Hatfield:** How are we on time, Chair?

**The Vice-Chair (Ms. Ann Hoggarth):** Fifteen seconds.

**Mr. Percy Hatfield:** Stephen, thank you so much for coming in today.

**Mr. Stephen MacKenzie:** Thank you, sir.

**The Vice-Chair (Ms. Ann Hoggarth):** To the government: MPP Milczyn.

**Mr. Peter Z. Milczyn:** Mr. Anderson has a question first.

**The Vice-Chair (Ms. Ann Hoggarth):** Okay. MPP Anderson.

**Mr. Granville Anderson:** Hi, Stephen. Thank you for coming here and thank you for your presentation. I'm just going to touch on a little bit that affects my riding specifically, which is the agricultural sector. I'm not sure you're aware that we just gave the greenhouse industry \$90 million to help them to grow and to expand. That announcement was made in my riding of Durham in a greenhouse—because I have a number of greenhouses in my riding. My riding consists of some 500 farms, so I'm aware of the difficulties that that sector has. That was to augment some of the extra costs, whether it's electricity and so forth, and to keep us competitive with our neighbours south of the border. So we're doing that.

At the same time, we want to expand and have people have a living wage and be able to live decently to a certain level.

As for farmers, yes—as I alluded to, I have a number of farmers in my area. The Premier is aware of it, the minister is aware of it. We're working on some things to help farmers mitigate some of the costs and to see what we can do in that industry. It's not that it's something

that we have completely ignored. I just wanted to point that out to you.

**Mr. Stephen MacKenzie:** We are aware of that. Again, trying to rush sometimes, you skip some points—but we're very supportive of that. It will definitely help. Anything that helps our competitive balance is positive.

I guess one of the concerns—and in truth, I haven't studied it, so I don't know if the answer is in there, but is it sustainable? Is that support, which is good support, sustainable? Once that money goes away, are the wages still going to be high? Is electricity still going to be high? Is the burden still going to be high? We support anything that positively impacts our economy. To the extent that the government can make sure that these things are sustainable benefits, we would advocate for them.

**Mr. Granville Anderson:** Okay. Thank you. I'll turn it over to my colleague Mr. Milczyn.

**The Vice-Chair (Ms. Ann Hoggarth):** MPP Milczyn.

**Mr. Peter Z. Milczyn:** Thank you for coming in today. You have a very challenging job. It's very rewarding when you have a success, but it's very challenging, and I appreciate that.

You mentioned an issue around the scheduling provisions in Bill 148. Primarily, the intent there was to deal with sectors like the retail sector and some of the hospitality sector, where it's a lot of part-time work, a lot of odd shifts, and people aren't necessarily given their schedules in advance. It wasn't necessarily targeted at the manufacturing sector—and I have heard one of the presenters in the last few days mention the issue of just-in-time production, the supply chain and how that works. So I kind of get your point on that.

When you do make a written submission, if you could highlight that issue and maybe propose some wording, an amendment to the section in the bill that has a number of exceptions for those scheduling provisions—I mean, there are provisions there if there's a storm, a power failure, a fire or things like that. Maybe there is something specific to the manufacturing sector that we could look at. I'm offering that to you.

**Mr. Stephen MacKenzie:** Thank you. I'll definitely do that.

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**Mr. Peter Z. Milczyn:** Generally speaking, the minimum wage aside, many of the other provisions in the bill—the scheduling one is one of them; the paid leave days; the equal pay for work of equal value; and some of the protections for workers being hired in from temp agencies, where some employers—very few, but some employers—really abuse that as a loophole—do you think those would be problematic, neutral or beneficial to the economic viability of the Windsor-Essex area?

**Mr. Stephen MacKenzie:** I'm not a labour expert. Certainly, if it accomplishes the positives that are intended, it's a good thing. My concern is always this: Is there an unintended circumstance that would hurt our overall competitiveness? I would have to look at different situations.

In general, as I mentioned before in my comment, we look at the big picture. Again, on my staff, we all have

our moral compass, but when we come to a place like this, it's about economics and looking out for our workers and looking out for our companies.

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you. We'll now move to the official opposition. MPP Nicholls.

**Mr. Rick Nicholls:** Stephen, thanks so much for your commitment to coming in and expressing the concerns of the WindsorEssex Economic Development Corp.

I want to just briefly touch on manufacturing; you had talked about that earlier. One of the biggest things that we're faced with here in Ontario is the level of competitiveness in the marketplace. My riding is Chatham-Kent-Essex and, of course, we've lost a lot of manufacturing over the last 10 to 14 years, probably close to 12,000 jobs in the area. A lot of those companies have either folded or simply gone back to the United States or, in some cases, to Mexico.

In Mexico—I'm thinking specifically of Navistar. What's the economic impact on a community? As you know, Navistar used to be one of the largest employers in the Chatham-Kent area, and now the entire factory has been levelled. Those people had to go somewhere. In a lot of cases, they had to move outside of the region.

You talked about the impact of a minimum wage. I just wanted to get your thoughts on this. If, for example, there is a negotiated contract in manufacturing—I believe you had mentioned there are about a thousand manufacturing businesses in the Windsor-Essex area.

**Mr. Stephen MacKenzie:** Yes.

**Mr. Rick Nicholls:** I don't know what percentage of them may be unionized or not, but my concern is, regardless, let's just say, for example—the current minimum wage is \$11.40, roughly?

**Mr. Stephen MacKenzie:** Correct.

**Mr. Rick Nicholls:** It's being proposed to increase to \$15, so that would be roughly a \$3.60 increase per hour. You have negotiated contracts out there. I'm just going to pull a number. Let's just say that in some companies, for example—not all—the starting wage might be, say, \$18 an hour, a negotiated \$18-an-hour starting fee. So the gap, then, between \$18 and \$11.40 is roughly \$6.60 an hour. If the gap is closed between that \$18 and that \$11.40, to \$18 and \$15 an hour, what impact do you think that may have on negotiations overall?

**Mr. Stephen MacKenzie:** It's going to make it a challenge, as the unions and their memberships look to navigate this. It's kind of what I meant when I said the proposed legislation leaves the door open, but I'm going to put that into much better wording when I submit it.

But that's the challenge. Certain skill levels, and investing in education and skills, and experience have resulted in that differential. There is going to be pressure to not only increase the jobs at minimum wage but to keep that delta, as it were. So we are concerned. How will this legislation impact agreements that are already made? Will there be pressure to recategorize the wage levels for the different levels of jobs, from non-skilled all the way up to highly skilled? It's not just minimum wage.

**Mr. Rick Nicholls:** So you may be suggesting that those who may be earning \$18 at a negotiated fee right now—there are other wage structures within that contract, which is fine, but that they also will want to increase—hypothetically, I'm saying a \$3.60—

**Mr. Stephen MacKenzie:** "Where's my \$3.60?"

**Mr. Rick Nicholls:** Exactly. Right. That amount, especially if you're a large employer—and, of course, those wage hikes don't necessarily mean a drastic improvement in productivity. It just means it's a wage hike. But that has to come from the company profits as well.

**Mr. Stephen MacKenzie:** It's very possible. We can't predict the future, but if you're asking, "Do you expect that to happen?" I do expect that to happen.

**Mr. Rick Nicholls:** Stephen, another area that I'd like you to touch upon is the agricultural area. In my riding, in Leamington—and you touched on it, because it's also very predominant here in the Essex county area; that is, the greenhouse growers. I have had numerous—numerous—emails from greenhouse growers who are very, very concerned about this hike in minimum wage and the impact that it would have on their overall businesses.

You had given a number of \$20,000 to \$30,000 per acre. Could you elaborate on that and exactly what that is?

**Mr. Stephen MacKenzie:** Yes. We received that from the Ontario Greenhouse Vegetable Growers, because they're trying to quantify the impact on wages. When they calculate the amount of workers who usually serve, process and cultivate an acre of greenhouse, multiplied by the increase, it's a \$20,000-to-\$30,000 cost per acre—

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you for your presentation. If you have a written submission, as I stated earlier, the deadline for written submissions is 5:30 on Friday, July 21.

**Mr. Stephen MacKenzie:** Madam Chair and committee, thank you very much for the opportunity.

**The Vice-Chair (Ms. Ann Hoggarth):** At this time, we are recessing until 1:30, back in this room.

*The committee recessed from 1156 to 1330.*

**The Vice-Chair (Ms. Ann Hoggarth):** Good afternoon. We're meeting here this afternoon for public hearings on Bill 148, An Act to amend the Employment Standards Act, 2000 and the Labour Relations Act, 1995 and to make related amendments to other Acts. Each witness will have up to five minutes for their presentation, followed by up to 15 minutes of questioning from the committee.

Just a reminder: This room is an extension of the Legislature, so we expect the same decorum. There will be no clapping or cheering. Are there any questions before we begin? Thank you.

#### CARPENTERS' DISTRICT COUNCIL OF ONTARIO

**The Vice-Chair (Ms. Ann Hoggarth):** I will call the first witness, and that would be the Carpenters' District



Council of Ontario. Good afternoon. If you could please identify yourself for the purpose of the record, and you may begin as soon as you've done that.

**Mr. Mark Lewis:** My name is Mark Lewis. I'm the general counsel for the Carpenters' District Council of Ontario. With me here today I have some of my colleagues. This is Shawn Ramey from Carpenters' Local 494 here in Windsor. I have Nikki Holland, who is the director of public affairs for the Carpenters' District Council of Ontario; and we have Samir Silvestri, who is our research assistant. We have provided our written materials. We're not going to take you through them. Obviously we realize the time constraints.

The Carpenters' District Council of Ontario is the overriding body that looks after all of the local unions for the carpenters in this province. We have approximately 30,000 members. Most of them are construction workers working under construction industry collective agreements. We have one local which is particularly, especially affected by this bill, which represents health care workers. We're not going to talk about their issues today, because they're going to make their own presentation to you next week, I believe. This week we're going to talk about our construction industry members.

Large parts of this bill do not directly affect our members, the collective agreements under which they work or their working conditions, because of the way the bill is drafted, the exclusions that are made and the special construction industry provisions of the Labour Relations Act. But there are portions of this bill which do affect our membership and our industry, and we're going to try to talk to you very briefly about some of the concerns we have.

We want to start off by saying we're very proud of our members. We're very proud to represent working people in this country and in this province. Generally speaking, we are very enthusiastic about this bill and the advances that it tries to make and the recognition of how our workplaces have changed.

That said, there are some very particular concerns that we have about our industry and how this bill might affect it that we're wondering if the government didn't realize it at the time they drafted the bill as they did.

We want to talk firstly about the three-hour pay rule, which is in new part VII.2 of the bill and specifically section 21.3. It provides the three hours of pay if work is cancelled, essentially; if you show up to work and it's cancelled. The construction industry is particularly sensitive to this type of thing occurring. Our members work outside. Their work is subject to all sorts of variables, which means shifts often get cancelled.

Now, our members make a really good hourly rate, and we don't apologize for that. They make good money because they produce for their employers. But we don't want our unionized employers, who we recognize as being our partners, to be punished for things that they have no control over. For example, if there's an accident on a job site that has nothing to do with one of our employers—on job sites you have multiple employers

and multiple trades. If there's an accident that requires investigation, the entire site might be shut down; everybody's workforce gets sent home. It's no fault of the carpentry contractor, but if he has 25 employees, which you have regularly on job sites here in Windsor every day, and in Toronto and across the province, three hours times 25 guys times an hourly rate, which can be upwards of \$60 an hour when you put everything in, is a lot for a contractor to pay when he hasn't got that production.

We realize that in 21.3(2) there's an exception for storms, for lightning, for power cuts etc. but we're wondering if that exception could either be expanded somewhat to include—and I put the language that we're suggesting in the brief—reasonable causes beyond the employer's control, so that there be some discretion there.

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you for your presentation. The government will open this round of questioning. MPP Milczyn.

**Mr. Peter Z. Milczyn:** Hi, Mr. Lewis. Is there anything that you want to add?

**Mr. Mark Lewis:** Yes, very quickly, sorry about that. Alternatively, with that particular section, perhaps you could consider putting in an exception that allows for collective bargaining to take precedence, which you have for the other two scheduling sections, the one on call-in pay and the one on shifts being cancelled less than 48 hours in advance. All of our collective agreements cover situations like this.

We also have a particular problem with this section and with the two-day leave sections in terms of pieceworkers. I've tried to set that out in my brief. I'm not going to go on because I'm very conscious of the time, but I do just want to touch on the two-day leave because this is an issue for construction contractors.

Employment patterns in our industry are unlike any other. Construction workers can be sent to a job that lasts as little as one day or can go for two years, if they're very lucky. But it's not uncommon for our members to have 10 employers in a year. On the personal emergency leave provisions, as I see them written here, one of our members gets two paid leave days every time they get sent out the door of our hiring hall to a new employer. That would be a lot of unproductive time that would have to be paid for by our contractors.

We were wondering if something could be done to consider maybe minimum lengths of employment before you get the two-day paid leave or, alternatively, recognizing our industry, where you have multiple employers that all get the benefit of a particular worker over the course of a calendar year—if they could pay into a fund, like we do with our vacation, with our benefits, and their personal leave days could be paid out of that fund, so the entire industry is bearing the cost and not simply the poor, unfortunate employer who may only need a carpenter for two days—

**Mr. Peter Z. Milczyn:** I'll stop you there, because I do want to have a little bit of time to ask you a few questions.

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First of all, I want to thank you, because people assume that it might be very repetitive, hearing witness after witness, but, invariably, people come with new issues. You've raised some new issues we haven't heard yet so far this week, so I thank you for that.

On the scheduling provisions, we have heard from other sectors their concerns, so I will take that back to the minister about wording in that section that might cover other reasons why, legitimately, an employer might cancel a shift.

This latest issue that you've raised, the paid leave: also a very unique perspective to your sector and probably to other construction sectors.

Are proposed amendments written out in your submission?

**Mr. Mark Lewis:** Yes.

**Mr. Peter Z. Milczyn:** Other than that, generally speaking, would your organization's view of Bill 148 and the increase in minimum wage—is it favourable, is it neutral or is it negative?

**Mr. Mark Lewis:** You will see, throughout our written submissions, that we represent working people. We think this bill and the changes that are put forward represent sizable advantages for working people in this province, be they unionized, be they non-unionized. We are in favour of that, because our members work really hard building this province, and they deserve fairness in their workplaces for the work that they do, as do thousands and thousands of other non-unionized workers who, in our changing workplaces and the changing work relationships and systems, have often not got the full share of their rights because of their working relationships not fitting into traditional patterns and, alternatively, because we've fallen behind in certain ways, in terms of minimum wage reflecting what you need to live on in this province.

So, yes, we endorse this bill strongly.

**Mr. Peter Z. Milczyn:** Thank you for your submission. I'll make sure the minister reviews it.

**Mr. Mark Lewis:** Thank you.

**The Vice-Chair (Ms. Ann Hoggarth):** We'll now move to the official opposition. MPP Yakabuski.

**Mr. John Yakabuski:** Thank you very much, Mark and Nikki and Shawn and Samir, for joining us this afternoon. One of those 30,000 members that you represent happens to be my son as well, and I will see him tomorrow and I will tell him what a refreshing submission you made.

You've clearly indicated you're supportive of the bill, and we understand that and understand why. But you've also clearly indicated why you enjoy a good working relationship with the hundreds of contractors that your members work for. Did you also see how the unintended consequences of the bill could affect them negatively, because of the nature of the work that you do? My son is on multiple work sites on a regular basis.

You brought something to the table that, clearly, I think the government needs to take a look at when we're

looking at amendments, to ensure that your partners in building this province, this country, are not negatively affected by the bill.

Were there any other parts of it that you wanted to elaborate on, Mark? Because I would be more than happy to cede some of my time to allow you to do that. The issues that you brought forward—if you wanted any further clarification.

**Mr. Mark Lewis:** Thank you. There's one other bit that I would like to try and clarify then. It is set out in the materials, but it's a bit unique, and I just want to spend a few minutes to try and get an idea of this.

In the greater Toronto and Hamilton area, in residential construction, there are huge sections of our industry that are piecework-driven, and there are piecework sectors that are dominated by piecework crews.

I'll come up with a simple example: Framing a house, doing the basic carpentry core of a house, is done by a piecework crew in the greater Toronto area. There will be a piecework crew leader, and he will invoice the main contractor, who has the whole subdivision, for the work that he did on the house by the square foot, and then they get so much depending on the roof pitch, the extras that go on the house—a very complex system. He will have on his crew four helpers. He pays those helpers hourly out of the total money that he receives in the invoice from the contractor who has the whole subdivision.

Some of these provisions, where you're looking at the three-hour show-up time or the two days of emergency paid leave—

**Mr. John Yakabuski:** Yes, I appreciate the collective agreement should be extended to—

**Mr. Mark Lewis:** Yes, because otherwise, who is responsible if the crew helper needs a day off? Who is going to pay his wages? Because the crew leader isn't getting the production, and he can't get any more money because what he invoices for his house is all set by the collective agreement. He can't invoice any more because he lost a day of production from one of his helpers.

If we had an exception for our collective agreements—now, I want to make this clear: I represent working people. I'm not out to stiff working people, but our contractors have to make money if there's going to be work for our guys to do and they're going to pay them. We need to find ways that account for the unique system that we have.

I realize this is only residential construction in greater Toronto, but as MPP Martins will tell you, this is thousands of people's livelihoods and a huge chunk of the provincial economy right now. I don't want to see a system where drywall, roofing, carpentry, framing, tile and any other number of things pay an extra price. The homes that our members build are already so expensive.

The workers are well compensated. They're well looked after by their benefit packages. These are not the kinds of faults that large parts of the review and then the bill were designed to deal with. If we made the exception that you could cover this off in collective agreements, that would really help out our contractors, help out our



industry, because as you alluded to earlier, yes, I work for a union. I work for the workers. I know who butters my bread. But I also don't see the contractors as my enemy. They're my partner.

**Mr. John Yakubski:** No. If they don't make money, you don't have jobs. If business doesn't thrive, neither do your workers. Understood.

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you. We'll move to the third party. MPP Forster.

**Ms. Cindy Forster:** Thank you for being here today. An issue has come up in a number of locations across the province with regard to card-check certification in the construction industry from the employer side about cards being signed on weekends when the entire workforce isn't working, and sites being unionized where you have, say, 40 employees and three are working on a weekend; somebody goes and signs up two out of three and they're certified. In one situation—I think it may have been in MPP Yakubski's area—that business ended up going out of business within 12 months because half of its employees left.

Anyway, do you have any comment? There is a request to make a change so that you wouldn't be able to sign cards on weekends and on statutory holidays—wouldn't be able to certify.

**Mr. Mark Lewis:** A slightly technical response: I think the question you're asking is not when the cards are signed, because when the cards are signed doesn't really matter.

**Ms. Cindy Forster:** Correct.

**Mr. Mark Lewis:** It would be when the application is filed. We in the construction industry have a unique provision which allows us to file our applications for certification by registered mail with Canada Post. Those provisions are in there because of the unique circumstances of our business, our industry in which we operate. We do not have an industry where the workforce is stable day to day, week to week, month to month, like the other half that the Labour Relations Act covers. We have an industry where our workforce and the workers who could be unionized change, and they change quite drastically depending on the day, the week or the nature of the job.

1350

I know there are certain cases that get highlighted about weekends, and that's unfortunate. It is not my intention in doing the work I do to organize employers to put them out of business. As I've said, I want them to be union and I want them to make a gazillion dollars, because that's what our members get paid out of. All I'd say is, if you change the law about the weekends, what about rainy days? What about muddy work sites? What about particularly busy periods, when you might have two regular workers but 10 guys that the employer says, "Well, they're not my steady Eddies; why should they get to count?"

To change a system of certification that has existed in the construction industry for 50 or 60-odd years, I think—well, before I was born, really—strikes me as a very, very drastic response to a situation which does not,

in the end, affect a lot of companies. I admit that there are some high-profile cases, and that's unfortunate, but those will exist regardless, whether you have weekend certifications or not.

**Ms. Cindy Forster:** I wanted to hear the other side because, as I said, we heard from a couple of construction owners that it was an issue, and knowing that you were going to be here, I wanted to make sure that you had the right to give us the other side.

With respect to card-check for everyone, do the carpenters' associations support that for all workers in this province?

**Mr. Mark Lewis:** We would love to return to a system which is card-check for everyone. We would love that.

I've been lucky enough to practise labour law under a number of regimes, under a bill that principally came out of the Conservative government initially, and then with Liberal reforms and NDP reforms, and then Mr. Harris's re-reforms or un-reforms, and then back to the Liberals—all sort of systems with all sorts of mechanisms. We would love to go back to card-check certification for everyone. But we also recognize, and I hope we've tried to get across in this presentation, that we don't want labour law to become a political football where people just grab whatever. Therefore, we'd ask you to concentrate on the most marginalized workers for card-check.

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you for your presentation. If you have any further written submissions, they have to be to the Clerk by 5:30 on Friday, July 21.

**Mr. Mark Lewis:** Thank you.

## WINDSOR-ESSEX REGIONAL CHAMBER OF COMMERCE

**The Vice-Chair (Ms. Ann Hoggarth):** I'd like to call the Windsor-Essex Regional Chamber of Commerce for the next presentation. If you could state your name for the official record, then we will start the timer for your presentation.

**Mr. Matt Marchand:** Matt Marchand, president and CEO, Windsor-Essex Regional Chamber of Commerce.

I want to thank the committee for having the chamber speak here today. I also want to acknowledge and thank the other participants who have spoken here as well today.

A new administration has aggressively pursued and will execute a policy of America first, jobs first and a new NAFTA plan. Its impacts could have enormous implications for Windsor-Essex where, as you know, 80% of Ontario's exports, led by auto and agriculture, are shipped to the US. Many of our employers, big and small, have advised us that investment decisions regarding Windsor-Essex and Ontario versus the US are on hold pending NAFTA discussions and deep concern about Ontario's cost structure.

Windsor-Essex and Ontario have already lost hundreds of millions of dollars in agriculture investment to

Ohio, tens of billions of dollars of auto investment to the southern United States and Mexico, and is on a continuing path. That's lost money and lost well-paying, middle-class jobs.

Ontario's collective response so far is as follows: electricity costs up 400%; carbon tax for cap-and-trade costing billions of dollars, punishing our businesses and our middle class for using Ontario's clean grid; additional payroll pension plan costs. And now the government of Ontario introduces Bill 148, which raises the minimum wage by nearly 33%, with collateral impacts on the wage structure as well, in addition to 400 pages of regulatory costs behind it. Our small businesses don't have human resources departments to review, understand and implement 400 pages of costs and regulations.

I would remind the committee that the Ontario government came to an agreement with all of us in 2013-14 to raise the minimum wage incrementally and predictably. We had months of consultation, government-led panels and other input opportunities that some of you sitting on this panel may have participated in. But notwithstanding all of that, the Windsor-Essex chamber is in the ideas business and we're in the solutions business, so here are some suggestions to amend the bill:

(1) Do a five-year phase-in for minimum wage to help small business and agriculture, like they do in California;

(2) Cost offsets to even the level playing field. We want investment in Windsor-Essex and jobs in Windsor-Essex, not Ohio. We've sent enough jobs there;

(3) Tighten the rules on emergency leave days; and

(4) Clarity in the bill as to what "power outage" means with respect to 48-hour scheduling. We have some companies in the auto sector that often experience brief power outages in seconds or minutes that require many hours to reset production. If it happens on a Thursday or Friday, they can't reschedule for Saturday due to the 48-hour rule. For the agriculture sector, the certainty of exactly when a crop has to be harvested—it needs to be done very quickly and can't wait for the 48-hour notice. We would request that this requirement be waived for agriculture.

We owe it to our region, our employers and our employees to follow the same model the Ontario government demonstrated a few years ago: Slow down, consult, get evidence, and get everyone participating. But not to be forgotten—and this is important—if we want to get wages up, the best way to do that is to skill our people up. The government should be joining us in focusing on getting Ontarians skills for jobs that are in demand, jobs that pay \$20, \$30 or more per hour.

In Windsor-Essex alone, we're leaving about \$600 million of economic opportunity on the table as hundreds of well-paying, skilled jobs go unfilled. We have jobs without people and people without jobs. We need to skill our people up. We all agree on that. Together, let's focus on getting our people into jobs that pay way more than a minimum wage and drive our prosperity and economy to new heights. Together, let's get our labour market reforms done comprehensively to maximize our potential.

The Windsor-Essex Regional Chamber of Commerce challenges you to join us and our community partners to make this happen.

Do I have any time left?

**The Vice-Chair (Ms. Ann Hoggarth):** A minute and a bit.

**Mr. Matt Marchand:** Okay, great. I just want to drill down on this for a second.

Our exports to the USA have been declining for about the last 15 years. It used to be that 50% of our exports would go to the USA; now we're down to 33%. We're producing and selling less. Our collective net worth in Ontario is declining. We're not exporting as much to the US; our cost structure is not competitive. It's not one thing; it's everything combined. We have to have our cost structure here in Ontario be competitive. Our folks get out of bed every day and they compete with Ohio, they compete with Georgia, they compete with Mississippi, they compete with Mexico. We don't have to be the cheapest, we don't have to be the lowest, but we need to be competitive.

The question I ask is, as a CEO said to me the other day, what is Ontario's advantage right now? What is it? What is going to entice people to expand here? Decisions are being made today about where to expand and where to create jobs. We have nothing, really, to take back to them other than more costs, more regulations.

Again, I would ask you to consider what the Ontario advantage is in doing all this. We've got a great business community; we've got a great labour community. We have got the best entrepreneurs, probably, in the country. But—

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you. To the official opposition: MPP Nicholls.

**Mr. Rick Nicholls:** Good afternoon, Matt. It's good to see you again.

**Mr. Matt Marchand:** Good to see you.

**Mr. Rick Nicholls:** Yes, thanks very much. I appreciate your presentation.

You talked about the fact that exports are down. You mentioned that net worth is down, and the fact that the cost structure is just not competitive any more. I fully support that particular statement.

An increase in the minimum wage could be pointless if in fact you don't have a job to go to.

**Mr. Matt Marchand:** This is it. I rushed my comments to try to get to it all in five minutes. Some of the unintended consequences of raising the minimum wage are that our employers will either lay off or look to automation. Those are some of the unintended consequences. We're going to do an economic impact report to that point. That will be ready sometime in August.

1400

But the small business community is the community most vulnerable to this. They don't have HR departments. They don't have all the stuff where they can just go and say, "Oh, we can use scale to pay for all this." In the context of everything everybody's paying for, it's getting harder and harder to get up every morning to pay the bills.



**Mr. Rick Nicholls:** You're absolutely right. It is getting tougher and tougher to pay the bills. I grew up in a family where my dad was a small business owner. Of course, he was basically a one-man show, for the most part, and hired people as he needed them. But that was many, many years ago.

I look now, though, at the small business owner and the impact that this increase in minimum wage might have. It's not just those who are earning minimum wage. Everyone will expect a bump up.

**Mr. Matt Marchand:** That's a good point. If someone is making \$14.50 or \$15 right now and someone underneath them is making minimum wage, if the minimum wage goes to \$15, the people making \$15 right now will have to bump up, right? For obvious reasons.

**Mr. Rick Nicholls:** Exactly.

**Mr. Matt Marchand:** We have to have a competitive cost structure. Our agricultural sector, which you're a part of, has to compete against Ohio. They have one third the power costs that we have. The Ohio Economic Development Association is aggressively in our community right now courting businesses to put their next expansion—in fact, move the whole thing to Ohio. Why risk the border? Why risk American jobs first? "Come to Ohio, come to Michigan, and set up shop here. A far lower cost structure. No border risk. A heck of a lot less regulation. We want business. We want jobs." As I said, we don't have to be the cheapest, but we need to be competitive.

**Mr. Rick Nicholls:** I think one of the other issues too—because we've chatted before about the cap-and-trade and the impact that that particular element is having on the greenhouse industry, as an example.

One of the things that we pride ourselves on here in Ontario is our food security. If all of a sudden our people are being forced to move to other jurisdictions like Ohio and whatnot—first of all, we have a loss of employment here, don't we?

**Mr. Matt Marchand:** Yes. To that point, I want you guys to understand this: A lot of our companies have offices and operations in Leamington, in the USA and in Mexico. Those business units compete against one another as to who gets the business. So as we get further away from a reasonable cost, the ability for our folks to generate jobs here locally declines. It's a very competitive market space.

In the agriculture sector, to your point, margins are thin. Every time all these costs—electricity: 400%; cap-and-trade, which the Ontario chambers have asked for it to be suspended because the idea of sending jobs to Ohio where they can plug into a coal plant doesn't make a lot of sense. We said that and we've been the leader in that regard.

We have to have a business community and a business environment that says, "Come to Ontario, and here's why." How do we compete? How do we keep our folks here in the context of what's happening in Ontario?

**Mr. Rick Nicholls:** Absolutely.

Do you have anything further Mr. Yakubski?

**Mr. John Yakubski:** We've been hearing from the chamber over the last several weeks—and when I say "the chamber" it's chambers all across the province—with respect to that. We appreciate you bringing the perspective forward because it's not just a single voice saying, "This is going to hurt business." We're hearing more and more of it across the province. It's not an empty threat; I don't want to use the word "threat" but it is. We heard yesterday where one business said, for the first time in his life, he's fearful of his survival.

The one thing they keep coming back to, Matt, is why was there not an economic analysis done of this—

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you. We'll move to the third party. MPP Hatfield.

**Mr. Matt Marchand:** Hey, Percy.

**Mr. Percy Hatfield:** Hi, Matt. How's it going?

**Mr. Matt Marchand:** Very well.

**Mr. Percy Hatfield:** You talked about the five-year phase-in on the minimum wage, and then you said "or offer some cost offsets." Examples?

**Mr. Matt Marchand:** The cost offsets: We're going to get into that shortly over the next couple of weeks. We're doing an economic impact report, further to your colleague's question. Once we get more information on that then we'll go directly to you and others on some cost offsets for our small business community and our agriculture community, because we need the jobs here in Ontario.

**Mr. Percy Hatfield:** And you talked about tightening the rules on emergency leave days. How would you do that?

**Mr. Matt Marchand:** Well, again, we're happy to sit down with the Ontario government and all you folks on ways to do that, but let me just give you an example of the costs. Say we have an employer of 1,000—which we don't have a lot of these days, but we have one or two out there. Two emergency paid days a year is 2,000 days of wages, which is equivalent to basically seven people working full-time for a year with no job.

I don't think the committee understands the cost pressures that the business community faces in order to stay in business, in order to have jobs in our community. There's tremendous cost pressure across the board to maintain employment levels.

**Mr. Percy Hatfield:** You also talked about waiving the 48-hour schedule change for agricultural workers. Could you expand on that?

**Mr. Matt Marchand:** Yes. This is an important one. Again, it speaks to the fact that there was a lot of consultation done on this, but when crops need to be picked, they need to be picked, like, right now. You can't wait 48 hours for things to go bad, for rain to come or whatever. You have to pick the vegetables right away. So we would respectfully ask that that, particularly, be waived for the agricultural community.

**Mr. Percy Hatfield:** Would that come with a shift premium, if that was changed, that would be an offset somewhat for the workers?

**Mr. Matt Marchand:** We're certainly open to that discussion. We're in the ideas and solutions business.

We're here to offer ideas and solutions, so we're happy to sit down and talk with the government in that regard.

**Mr. Percy Hatfield:** If I heard you right, you said that electricity costs in Ontario are up 400%.

**Mr. Matt Marchand:** Approximately, yes, and scheduled to go higher. In fact, I was with the CFO of a major agricultural firm recently. They're budgeting a 10%-per-year increase, starting in 2019, for the next six years. My understanding is that OPG has triple-digit requests in for increases to fund nuclear power rehab and a bunch of other things.

The business community is aware that the electricity prices right now may be the cheap part. If Ontario Power Generation has got a 150% increase in, or whatever the number is, there are billions of dollars of nuclear refurbishing costs that are coming down the pipe. That has to be paid for. Where is it going? We have to figure that out.

**Mr. Percy Hatfield:** In your opinion, over what period of time is that 400% increase?

**Mr. Matt Marchand:** It's about 10 to 12 years.

**Mr. Percy Hatfield:** Sort of about the time a certain party has been in power. Entirely coincidental—*Interjections.*

**Mr. Matt Marchand:** You know, we're just here to give facts. We're not here to have political commentary.

**Mr. Percy Hatfield:** Yes. I don't know why I mentioned that.

You talked about more regulations. Do you have a formula for reducing red tape or regulation?

**Mr. Matt Marchand:** I think the point is that when you get 400 pages of regulations—you're a mom-and-dad small business. You're trying to make it all work getting up every morning. When are you going to get the time to go through 400 pages? How are you going to get the expertise to go through it? You've got to get to work and, essentially, make it work.

Who's going to do all that? Who's the professional? It's not like they can go hire a legal firm to give an analysis. How are they going to know all these intricacies that are involved in personal emergency leave days, sick days and all the stuff that's in this bill?

I think that gets to the broader point: We just went through this exercise three years ago, when they had a roving committee across Ontario that we participated in. We all agreed what the minimum wage structure was going to be. We did; we all agreed. So we wake up, and three years later here we are.

But notwithstanding that, we're still in the position to offer ideas and solutions to make it work.

**Mr. Percy Hatfield:** People without jobs, jobs without people: Is there anything the government can do to help you get more skilled-jobs training in this area?

**Mr. Matt Marchand:** We're going to be very aggressive on this front, the Windsor-Essex chamber, our partners in the labour community, our partners at Work-Force Windsor-Essex, the university and St. Clair College. This is one of our focal points for this year, driving that message home. It's not just us, and the chamber will

certainly take its part of responsibility, but we need to get the message and we need to get the programs to people getting younger and younger.

We're putting too many young folks through university who are coming out with degrees—there's nothing wrong with a liberal arts degree; there are lots of reasons to get one. But at the same time, you can literally throw a dart at a board—

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you very much. We move to the government. MPP Milczyn.

**Mr. Peter Z. Milczyn:** Thank you, Mr. Marchand, for coming in today.

On the issue related to scheduling, you may have heard the previous witness. They raised a different aspect of the scheduling. That's a theme I've heard from a number of witnesses, some of the nuances around scheduling. In some of what I heard, they thought there was no exemption for severe weather. There is some. Maybe we need to draft that better, but I certainly hear what you're saying. Agricultural workers: Maybe there's something unique there. I appreciate that submission.

1410

The five-year phase-in: You referenced California, but if I'm not mistaken, the minimum wage in California is \$9 an hour. The breadth of change there is far more significant even than in Ontario—

**Mr. Matt Marchand:** Maybe, maybe not—because a few years ago, we were at \$10. It's pretty close.

**Mr. Peter Z. Milczyn:** They also have a huge underground economy of migrant workers who may or may not have legal status in the country. They have somewhat different issues than we do in Ontario.

**Mr. Matt Marchand:** Yes, they have a sunnier climate, I grant you that.

**Mr. Peter Z. Milczyn:** Well, they have some other challenges—Mr. Trump's policy ideas.

You referenced a 400-page document. What 400-page document of regulations?

**Mr. Matt Marchand:** That's Bill—

*Interjection:* 148?

**Mr. Matt Marchand:** —148. Thank you.

**Mr. Peter Z. Milczyn:** I had a copy. I didn't think it was 400 pages, but in any case—

**Mr. Matt Marchand:** It's a number of pages. It's to make a point.

**Mr. Peter Z. Milczyn:** I don't think it's 400 pages.

You mentioned education. A major program that we've implemented is the free tuition for a lot of young people. Actually, for the first time, it doesn't just apply to young people. It could apply to people of any age. Somebody who's 45 who wants to go take a program, get a degree or upgrade their skills in a particular area could qualify for that.

Would your chamber have suggestions of how to, perhaps, stream some of those students who now are going to be able to qualify for free tuition to those programs in community colleges that would lead them to trades, that would lead them to skills that are in high demand?



**Mr. Matt Marchand:** I think that we're open to certain ideas in that regard, but I can tell you that, and I didn't get a chance to finish because of time, you can literally throw a dart at a board of the entire skill sector, and that's where the shortage is.

I had a plumber in my office a week ago. He makes \$35 an hour. He can't find anybody to be his apprentice. There is tremendous shortage across the board. Who doesn't want to make \$35 an hour? I know a boat mechanic making \$70 an hour.

You can literally take your pick. You can drive through Oldcastle and see: Machinist wanted; CNC wanted; welders; truck drivers. We have opportunity here. I think, to some extent, we need to be focusing on driving our jobs and our education towards jobs that need to be filled.

I've talked about jobs without people and people without jobs. It's very real down here. We're leaving a lot of economic opportunity on the table. We need to channel people into these jobs where they can make way more than minimum wage.

**Mr. Peter Z. Milczyn:** Precisely. That was my point. With free tuition, that opens up the opportunity for education for some people who may have thought that they couldn't do it, that they're just struggling to make ends meet in some job, and education is unattainable. But now, with free tuition, it is attainable, because that doesn't become a burden on them. With the work of the chamber and local industry, you could stream them to the programs that lead them to plumbing or electrical or CNC or all kinds of robotics programs and so on.

Would you not agree that that investment in education could be what the Ontario advantage actually becomes: a more highly skilled workforce than we would see in Michigan or Ohio or, certainly, in Alabama—

**Mr. Matt Marchand:** To your point—and I'll leave with you this: The Windsor-Essex chamber challenges you and your colleagues to work with us, our colleges, our labour community, our community in general, to execute a plan to fill the jobs without people and people without jobs. I look forward to working with you on that. If you want to do that, we'll do it with you, but we need your help.

**Mr. Peter Z. Milczyn:** Absolutely. Thank you.

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you very much for your presentation.

**Mr. Matt Marchand:** Thank you.

**The Vice-Chair (Ms. Ann Hoggarth):** If you would like to submit a written submission, send it to the Clerk by 5:30 p.m. on Friday, July 21.

MS. LISA FULMER

**The Vice-Chair (Ms. Ann Hoggarth):** Our next presenter will be Lisa Fulmer. Please state your name for the official record, and your five minutes will begin.

**Ms. Lisa Fulmer:** My name is Lisa Fulmer, and I'm from Leamington, Ontario. I'm an administrative worker

for a small trade service company, and a very proud mother of two young adults ages 18 and 20.

When I first heard of the Bill 148 proposal, I was interested to see what the proposed changes would be and how they would affect not only myself but my family and our small community.

Upon review of information provided by the Canadian Federation of Independent Business, which informed of the changes the government wants to put in place, I feel very passionate to be part of voicing my concerns and to ask questions regarding the impact these changes will have on workers for small businesses, and for small communities.

Were decisions made from a large-city, large-business point of view? As I have taught my children, if you don't ask, you will never know.

In my understanding, the minimum wage is to continually increase, and by January 2019, it will be \$15 an hour. In my opinion, raising the bar raises the poverty line, defeating the purpose. Has consideration been given to the fact that when minimum wage increases, the cost of living also increases?

My morning cup of coffee, for example: Upon walking into a coffee shop, one can see what is required to produce that cup of coffee: takeout cups, coffee beans etc. I do my best to support local shops. Assuming the local shop purchases their goods within Ontario, each of their suppliers' goods and services will increase, just to cover the costs of the new proposed minimum wage employers will be expected to pay for staffing. It is a vicious cycle which doesn't end.

In my opinion, this leads our small communities to become ghost towns, because if people cannot run businesses as sole individuals, they'll have to close. Soon we will not be proud Canadians, but we'll be supporters of out-of-country products just to be able to live, or we will have no choice but to relocate. We will stop to wonder how our now \$3 cup of coffee became \$10.

Has thought been given to this? Has effort been put towards thinking outside of the box, to find a way to have more control over the current cost of living? I realize it's probably a more difficult task to do. Is it not true that reward is greater to things which do not come easily?

Constantly heard are businesses in need of labour. This summer alone, many social conversations have turned into discussions about how summer employment is available for youth, yet youth are not applying. I've also spoken with parents who state that their child is looking for a job and cannot find work. My answer is usually a question, asking if a resumé was dropped off, listing all the businesses where I myself have seen signs in the windows. The replies given have no regard to the rate of pay. Most answers reflect the child's dislike of the requirements and expectations of the job. Help is wanted, but good help is hard to find.

When my children were looking for jobs, we encouraged them, with hard love, to get what they could and to work harder than expected, to begin building a name for themselves, a strong work ethic and good references for

their resumé. My children have had their fair share of unlikeable jobs, but it has provided them with a great deal of respect and appreciation for anyone who does that job, and a stronger work ethic, as confirmed by their current employers.

My reason for sharing this personal information is simply to ask this: By increasing minimum wage, how does this encourage young people to accept any available job? If they will not do the work for the current minimum wage, why would more money for the same job be more appealing?

Recently, my son had heard that minimum wage is expected to increase. I asked him how he felt about that. His response was to ask, "Why would they do this?" If they raise minimum wage, then the increase in his hourly rate, which he worked tirelessly to get, will be gone. Those hired after him, who do not have the experience, will be up to his pay scale without putting in any effort. What is the value of education and experience? Again, I am asking, was all this taken into consideration?

Another topic proposed for change is personal emergency leave. To my understanding, this is introduced to small businesses which have less than 50 employees. I agree with and understand the need for a worker to be able to request time off for a personal emergency leave without feeling threatened that they may lose their job. To my understanding, a worker can ask for two PEL days and not need to provide proof, such as a health professional note or proof of emergency, and be paid. I fear that with this, absenteeism may be on the rise and employers short-staffed. Without the employer having the option to ask for proof for the PEL day, a worker may abuse this privilege twice a year, just to achieve two paid days off.

Let's be real: There's always potential for one bad apple in each basket. This particular worker may be an effective worker when they're on the job, and allowing the employer to request proof may help to teach them to become a better worker.

1420

I can't speak from a large-business point of view, since most of my work experience has been with small businesses, but each worker plays an important role. When one is absent, there's a hole to fill which is taken by the other workers. Therefore, in my opinion, some accountability is necessary when the worker requests a paid personal emergency leave day.

Overall, I believe I do my best to be a realist and to live within my means. I do understand that the decisions made by our government representatives today are difficult, and I do not envy—

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you. Your time is up. We'll move to the third party. MPP Forster.

**Ms. Cindy Forster:** Thank you, Lisa, for being here today and sharing your views.

Did you say you are an administrator for a small business?

**Ms. Lisa Fulmer:** I'm in small business, and there are a number of things that you do, so we call it an administrator.

**Ms. Cindy Forster:** The minimum wage and some of these proposed amendments, if they pass in the Legislature, probably in the upcoming fall session—are there things that you think a government could do to help small and medium businesses in your community to be able to absorb these additional costs and additional changes to the Employment Standards Act?

**Ms. Lisa Fulmer:** The message I'm trying to put across today is pretty much—am I expecting that it's going to change the increase in minimum wage that's happening? No. But I guess what I'm looking at is more from the point of view that if we keep increasing minimum wage, the cost of living is going to keep going up. How do we make it more of a level playing field where people can live at a regular cost of living? So maybe rather than the answer just being a minimum wage rise, a minimum wage rise, and a minimum wage rise, should it be looked at more towards the fact of the cost of living, and can something be done?

I don't have an answer for that. It's not my job line, and unfortunately, I don't have enough time in my day to look in that direction. But I'm just wondering, for the people who are more educated in that part of it, if they could take a look in that direction and see if maybe there's a way of looking at it from the other side.

**Ms. Cindy Forster:** Balancing a reduction in costs, as opposed to always looking at—

**Ms. Lisa Fulmer:** Exactly. Because what is to stop people, just a few years from now, from making the minimum wage start to be at \$30 or \$50 an hour?

**Ms. Cindy Forster:** Right.

**Ms. Lisa Fulmer:** The cost of living is still going to go up, whether it's the cost of living at \$15 an hour, when it goes up, or if it's \$50 later.

**Ms. Cindy Forster:** We've heard some suggestions over the last five days from a variety of stakeholders—individuals, business, labour—about perhaps freezing future contribution levels to payroll taxes, like the employer health tax, EI, compensation and those kinds of things, so that even though the minimum wage would rise, the contributions to those wouldn't rise, which would give both business and employees—

**Ms. Lisa Fulmer:** Give workers a step back.

**Ms. Cindy Forster:** —a step back.

We've also heard about business tax offsets or youth program subsidies, more from the provincial level, matching federal subsidies, or those kinds of things, that would assist businesses in absorbing some of those increases.

Do you have any comment? Do you think any of those things might work?

**Ms. Lisa Fulmer:** Yes. If something moved forward in that direction, I can see how possibly that could be a benefit.

**Ms. Cindy Forster:** We've also heard from many vulnerable, precarious workers. I remember we heard from one woman one day who basically has lived in poverty for the last four or five years. She's married, with a child, helping her husband go through university, trying



to juggle two or three jobs, being paid minimum wage, getting cancelled one shift here and then not being able to pick up another shift to make up for that, and wondering how she was going to pay the daycare that she had already arranged.

So there are many people out there who are actually in work where they're receiving minimum wage, and not even on a full-time basis—juggling two or three jobs. That's the other side, I guess, of the equation for people seeking to improve the quality of their lives.

**Ms. Lisa Fulmer:** I've been there; I've done that. When you start getting into the workforce, you do sometimes have to hold more than one job, and they're all at minimum wage. You do what needs to be done in order to make yourself take that step ahead. So I've been there; I've done that. It's—

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you. We'll move to the government. MPP Martins.

**Mrs. Cristina Martins:** Thank you very much, Lisa, for being here today and for taking time out of your busy schedule, I'm sure, to be able to present. It obviously shows that you really care about this and you're very passionate about this.

I really appreciate the motto you teach your children, which is that if you don't ask, you'll never know—that's my motto at home and at work, so we share something in common on that front—and also the work ethic that you seem to have, from what you've described, in terms of teaching your children that if you work hard, you get places. It's very important that we continue to instill the old-fashioned work ethics, if I may refer to them as that, that we need to make sure our children and the younger generations understand and practise.

Having said that, in most of the retail workforce, the service industry, the food industry, the hospitality industry, it's women who are working those jobs, and oftentimes the marginalized women from our community, the new immigrant women, the single moms who didn't have a chance to go and take courses in university or college and pursue that type of education who are working these jobs, and oftentimes working two or three different jobs to make ends meet.

There was a report that came out earlier this week and one that was an op-ed this morning in the Huffington Post that said that when we bring women out of that lower-income, minimum wage playing field and when women thrive, their families thrive, the community thrives and the economy thrives. Would you not think that we would want to bring these marginalized, most vulnerable workers, as women, out of that and bring them up, and that the minimum wage would help address that?

**Ms. Lisa Fulmer:** I agree with the fact that definitely we would want to help in bringing them up. My question, I guess, and I don't have the answer—that's why I formed everything as questions. My question is more that, if the minimum wage goes up, I truly believe from what I see with my own eyes of how business is run, how businesses work, the cost of living is going to go up. I guess that's what I'm asking: Can it be looked at from

the other side of the coin? Because if the cost of living goes up the more they're making an hour, is that really going to make a difference from where we are today? Maybe it's my lack of knowledge in that field, but that's what I'm asking. Could it maybe be looked at from the other side of the coin: maybe more control over the cost of living in different ways?

**Mrs. Cristina Martins:** That's why we're conducting these consultations across the province, precisely for that: to hear the different angles and the different suggestions. We're all taking notes and we've got all this, so we will take all of that back.

We have heard as well, though, that when people have a little bit more money in their pockets, they're able to spend a little bit more, and that spending is not necessarily done across the border, but it's done here in their communities. So they are buying that extra soccer ball for their kids, and maybe they're taking a friend for coffee now, as opposed to just getting it for themselves. That money actually comes back into the community and helps those businesses. That's also something that we've been hearing, just to give you a little bit of the other side as well as to what we've heard.

I'm not suggesting in any way that I'm endorsing that or that that is exactly what is going to happen, but what we've heard is that the money is spent back into the economy. I think part of what we want to be able to do with this bill is to make sure that there is a little bit more of a level playing field for everyone, right?

1430

**Ms. Lisa Fulmer:** Exactly.

**Mrs. Cristina Martins:** We have really good employers, and then we have employers who, unfortunately, take advantage of the system. We want to make sure that employees are being treated fairly and properly. Part of this bill is actually to put into the field 175 more inspectors across the province to make those spot inspections to ensure that employers are, indeed, following the law and abiding by that to protect the employee. I don't know—

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you. To the official opposition: MPP Yakabuski.

**Mr. John Yakabuski:** Thank you very much, Lisa, for joining us today, and for your insights into the challenges that are always there any time you make significant changes to a system. There is no action without a reaction, and you've indicated that quite clearly.

One of the things you touched on was the effect on really small communities. I'm not familiar enough with the geography in the Windsor area, but I am familiar with eastern Ontario, where I come from, and we have a lot of small towns. I come from one of 1,100 people.

Yesterday we had two different businesses in the village of Westport, which incidentally is the smallest municipality that has both waste water and water services. We talked to the two biggest employers, and they precisely talked about what you said about the hollowing out and the ghost town that could happen—two businesses and also the mayor, who is also the warden of the United Counties of Leeds and Grenville. What she talked

about was how if those businesses suffer and they fail, it's only a matter of time before the town becomes a complete ghost town. They're the two biggest employers; if they fail, the people have to go somewhere else to get work. The next thing you know, the hockey arena, which is always a focal point of a small town, a recreation place for our children and grandchildren, is gone. They cannot support it.

As I said, I'm not familiar with the geography enough to know the small towns around Windsor. Do you see areas in the Windsor-Essex area where that same scenario could find itself repeating itself in an area like this?

**Ms. Lisa Fulmer:** Definitely, especially the smaller towns around the county that don't have a large—more like our agricultural areas, the smaller towns that contain around that area there. There are some towns like, for example, Leamington, which has Highbury Canco, which is a very large business taken over from the Heinz building—a lot of greenhouse industry in that area. But it's the smaller towns even outside of that where they host all little shops.

The cost of living goes up if their supplies go up that are going to allow them to run that shop. How can they afford to maintain employees at minimum wage? As minimum wage keeps rising, their cost of supplies keeps rising. Maybe you will have people out there who are making more money able to spend more money at that shop, but if they're the sole person who can afford to run that shop, how do they—so I guess that's my thing. I'm just kind of looking for, can we look at the other side of the coin? Is the answer always to raise minimum wage?

**Mr. John Yakabuski:** They were concerned about their ability to actually continue with the same number of people working, and eventually it just finally collapses.

As I said to the gentleman earlier today, does it not seem like this is a social program to lift low-income people up using the small business community as a conduit, just having them pay the bills so the government takes credit?

I'm talking about cost of living. What's gone on with the price of hydro under this Liberal government—if we controlled those costs, is it not fair to say that some of those people wouldn't be in the same straits that they are today?

**Ms. Lisa Fulmer:** Very possibly.

**Mr. John Yakabuski:** We've all seen what has happened with the cost of hydro in the last 14 years: 400% increase.

**Ms. Lisa Fulmer:** It's gone up quite a bit.

**Mr. John Yakabuski:** Lisa, I thank you for your time.

**Ms. Lisa Fulmer:** Thank you.

**Mr. John Yakabuski:** Also, I appreciate the work ethic of your son, who wants to earn his way every step of the way.

**Ms. Lisa Fulmer:** I was surprised when he came home and said it. That's what motivated me to make a presentation.

**Mr. John Yakabuski:** That's a commendable quality, and I would suggest that whoever employs your son is making a good decision.

**Ms. Lisa Fulmer:** Thank you.

**Mr. John Yakabuski:** Thank you very much.

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you. If you would like to submit a written submission, it needs to be to the Clerk by 5:30 on Friday, July 21.

#### UFCW LOCALS 175 AND 633

**The Vice-Chair (Ms. Ann Hoggarth):** The next presenter is UFCW Local 633. Would you state your name for the official record, and your five minutes will begin.

**Mr. Tim Deelstra:** My name is Tim Deelstra. Good afternoon, and thank you for the opportunity to present to you today on behalf of UFCW Locals 175 and 633. We represent approximately 70,000 workers across Ontario in all sectors, including retail, industrial, health care, building services and hospitality. Local 633 specializes in representing workers who process, handle and sell meat products.

At the locals we have seen, over the years, dramatic shifts in the workplace environments, both at our workplaces that are unionized and in the market in general, and we believe that the current legislation does not reflect the reality of how workers have fallen behind.

As a union, we are encouraged by Bill 148, and agree with many of the provisions in the bill that will improve conditions for workers in the province, including the increases to minimum wage.

There are a few areas where we feel the bill can be improved to provide for greater protections for workers in Ontario. Here are a few of them from our submission that I'd like to highlight.

One of the best ways to improve conditions for workers is to join a union. Access to unionization is important in order to do this, because not only will those workers be able to negotiate with their employer in a nuanced way, to deal with that particular workplace's circumstances, but they are also able to have enforcement of those provisions by having a union in place that they are paying for by paying union dues.

Card-based certification is a well-understood system for workers to join unions, which recognizes that there is a power imbalance between workers and their employers. It has worked well in many jurisdictions in Canada, including in Ontario, and allows workers to get access to unionization without fear of intimidation or threats from the employer to keep them from unionizing. That process is needed for workers in all sectors, and we would propose that the bill be extended to cover all sectors in the province, not just the three additional sectors proposed in Bill 148.

Once workers have certified a union in their workplace, the next challenge is to achieve that first collective agreement, so workers can access the protections and benefits of being unionized. As well, the employer can learn to work with the union, and we can start to form that relationship between the parties.

Increasingly, our experience in the locals is that employers are stalling the bargaining of the collective agree-



ment, with the goal of frustrating the process, hoping that the workers will eventually decertify the union. Having an automatic model incentivizes both the union and the employer to collectively bargain, and takes away the ability to frustrate the process, since both sides will know that there is an end effect in place under that system.

Another major issue for access to unionization is the franchise system that we have in Ontario, which treats each separate franchise location as a separate business. In order to unionize these locations—say, something like a retail food situation like Tim Hortons—we can unionize a particular franchise location, which then has to bargain its own collective agreement, despite that franchisee possibly having multiple locations in the same community, or that there are multiple franchisees who fundamentally operate the exact same business.

Workers at these locations, especially in the food retail market, are some of the most precarious workers that we see in the province, and broad unionization would improve the situation for them.

We would recommend that the franchise location consolidation model recommended in the final report of the Changing Workplaces Review be adopted in Bill 148 as an amendment.

The last amendment we would like to recommend is the provision around equal pay for equal work. We approve of this principle, that workers performing similar work should be paid the same. Currently, the bill has a provision that provides an exemption for collective agreements negotiated before the April 1, 2018, implementation date, where they would continue to apply past that date until they expire. This will have the effect of maintaining an imbalance in wages in some unionized settings.

1440

We believe that the purpose of the Employment Standards Act is to set the minimum standards for workers in the province and that there should be no allowances to contract out to lower standards. We therefore recommend that this exemption be removed from the bill.

Those are the amendments that we would like to see to Bill 148. Thank you for your time.

**The Vice-Chair (Ms. Ann Hoggarth):** We open this round of questioning with the government. MPP Milczyn.

**Mr. Peter Z. Milczyn:** Good afternoon. Thank you for coming in and for your presentation. I think your union actually made a very similar presentation the other day, so we have heard this before and we'll take it under advisement.

I note that your union represents a lot of people in the food retail, restaurant, hospitality and hotel sectors.

**Mr. Tim Deelstra:** That's correct.

**Mr. Peter Z. Milczyn:** From those sectors in particular, we've had some comments over the last few days that the increase in minimum wage will lead to more automation, will lead to a lot of layoffs and so on. For the members you represent, are you fearful of those outcomes of this bill or not?

**Mr. Tim Deelstra:** We have seen so-called automation in our retail grocery industry for over 10 years now in terms of what they call self-checkouts or U-scans. I think it's a bit misleading to refer to it as "automation," because fundamentally they're just cash registers, and instead of paying somebody to use them, they are hoping the customer will work for free for the employer.

Our view of these situations is that they were already in place; they've been in place for some period of time. They're in every jurisdiction in Canada. If it is only being done as a response to an increase in minimum wage, then that's a neat trick in Manitoba and Saskatchewan and so on.

These programs were already coming into the workplace. We have seen that, generally speaking, they have not reduced jobs. There's some initial downtick when they first get put into the store, but they continue to have cash registers open. In fact, Loblaw's has now started a program where they have giant banners on their stores saying, "All Lanes Open," at certain periods of time, and those lanes are not U-scans. So we largely aren't that afraid of that being a consequence.

**Mr. Peter Z. Milczyn:** Thank you. Your union would have participated in the Changing Workplaces Review?

**Mr. Tim Deelstra:** That's correct.

**Mr. Peter Z. Milczyn:** Other than the issues that I know you've raised in here, is the general direction of Bill 148 what you would have hoped to see through that review?

**Mr. Tim Deelstra:** As I said in my presentation, we're encouraged by Bill 148 in that the government has taken seriously that the work environment has changed and that there need to be some steps taken to improve that situation. We do have some specific examples in our submission where we'd like to see amendments that we think would be good amendments that would improve the bill. But generally, it is a step in the right direction from our perspective.

**Mr. Peter Z. Milczyn:** Thank you very much.

**Mr. Tim Deelstra:** Thank you.

**The Vice-Chair (Ms. Ann Hoggarth):** We'll move now to the official opposition. MPP Yakabuski.

**Mr. John Yakabuski:** Thank you very much, Tim, for your submission today and for recommending amendments to the legislation.

I always get confused when I have two submissions from the UFCW, but they are different locals representing, I suppose, different trades. We had one representing security guards earlier this morning. I guess they're part of the UFCW but a different local. Is that how it works?

**Mr. Tim Deelstra:** That's correct.

**Mr. John Yakabuski:** You talked about the card-based certification extended to all trades and that it would be a simple majority of signed membership cards. Picking up on something that was brought up at earlier meetings and also raised by my friend Ms. Forster today concerning when those cards could be signed, when you say a simple majority, would you mean a simple majority—in the construction industry, for example, it only has

to be a simple majority of persons on the work site at that given time. For example, at a business in my riding employing 40 people, on a New Year's Eve, three people were at the job site. Two people signed the cards and the company was unionized. Seventeen people quit the following Monday. He ended up being forced to close and lost the business.

When you say that, do you mean a simple majority of people on site at any given time or a simple majority of everyone employed by that particular employer?

**Mr. Tim Deelstra:** Thank you for your question. We would mean a simple majority of everybody employed by that employer.

**Mr. John Yakabuski:** I appreciate that clarification. So you would not be looking for the same type of system that exists in the construction—

**Mr. Tim Deelstra:** That's correct.

**Mr. John Yakabuski:** Thank you very much. I just wanted a clarification on that. I appreciate you bringing that to the table today.

**Mr. Tim Deelstra:** Thank you.

**The Vice-Chair (Ms. Ann Hoggarth):** To the third party: MPP Hatfield.

**Mr. Percy Hatfield:** Tim, good afternoon. Do you have a broadcasting background or anything with that voice?

**Mr. Tim Deelstra:** My mother always told me I had a face for radio.

**Mr. Percy Hatfield:** Ah, there you go.

Do you have any members working for Sears Canada?

**Mr. Tim Deelstra:** We don't.

**Mr. Percy Hatfield:** Because obviously, it's in the news these days about bankruptcy, and workers losing their jobs and worried about their pensions. Should pension protection be a part of what flows from the workplace review, and should it have been included in this bill, in your opinion?

**Mr. Tim Deelstra:** I would certainly support that. I know my local would as well. Unfortunately, we have had some experience with job loss in our local, particularly in the manufacturing sector. We haven't had a situation yet where we have had units where we have been unable to do something around maintaining of benefits or pensions on a large scale. We have had one meat producer in Toronto, Quality Meat Packers, that went into receivership. That was an unfortunate example where about 400 members didn't get their pension at the end of that. We're still currently fighting that through the court system.

Yes, look, we believe that pensions are deferred earnings, that workers are entitled to them, that they should absolutely be protected. Our union would absolutely support such provisions.

**Mr. Percy Hatfield:** I'm sure you would agree with me that employees should be the first creditor. In any bankruptcy, they should be paid first, looked after first.

**Mr. Tim Deelstra:** I would absolutely agree with you.

**Mr. Percy Hatfield:** The Premier was asked about this at a news conference yesterday or the day before and

said that the government had no role to play in Sears or any other similar situation. My argument would be, of course, that this is the perfect place to fix that—that the government could insist on having a role for employees in the case of a bankruptcy, that they could put employees first. Would you agree with that?

**Mr. Tim Deelstra:** I would agree that there should be measures taken in order to protect workers in Ontario. If not the government, then I'm not sure who would do it, other than our efforts, through collective bargaining, to improve workers' lives.

**Mr. Percy Hatfield:** Let's talk about replacement workers. There was some talk during the workplace review that scabs, if you will—replacement workers—should be banned in Ontario again. Do you think that would have been a helpful part of the workplace review and the result in this Bill 148?

**Mr. Tim Deelstra:** In my experience, the use of replacement workers always makes any labour dispute much worse than it should be, than it needs to be. It causes lots of strife not only in that particular workplace situation, but in the community at large.

One of the reasons we like an automatic first-contract system is it takes that possibility away. You're the most precarious when you're trying to get unionized to get protections in place and you're trying to achieve that collective agreement. That's why we believe that an automatic model is beneficial there, because then you don't have a labour dispute; you can get to a collective agreement. Both the employer and the union can see how that situation works and the advantages of that, and we can move on from there.

**Mr. Percy Hatfield:** Chair, Ms. Forster has some follow-up questions.

**The Vice-Chair (Ms. Ann Hoggarth):** MPP Forster.

**Ms. Cindy Forster:** I just have one question. You said that the ESA changes and the ESA should be the minimum standard for workers and that the government is actually proposing that if you have a collective agreement in place, even if the conditions in the collective agreement are inferior, they would stay in place until the collective agreement expired.

I raised the question elsewhere this week because I know that unions are negotiating longer collective agreements. I assume this would apply to UFCW as well. The person who responded said that he's heard of some collective agreements that were extended for 10 years; they negotiated a 10-year collective agreement. But I know that the norm in some sectors is four or five years today.

1450

**Mr. Tim Deelstra:** There are certainly long-term collective agreements in place and there are collective agreements within our local that would stretch past April 1, 2018. So we would have some situations where, potentially, our unionized workers would be getting an inferior level of benefit to the non-union comparable in the same sector.

**Ms. Cindy Forster:** For a long period of time.



**Mr. Tim Deelstra:** For some period of time after, yes.

**Ms. Cindy Forster:** Thank you.

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you, sir. If you have a further written submission, it needs to be to the Clerk of the Committee by 5:30 on Friday, July 21.

**Mr. Tim Deelstra:** Thank you.

### SUNRISE FARMS

**The Vice-Chair (Ms. Ann Hoggarth):** I'd like to call Sunrise Farms. If you could please state your name for the record, and then your five minutes will begin.

**Ms. Laura Mastronardi:** My name is Laura Mastronardi. Good afternoon and thank you for this opportunity. We own a seven-and-a-half-acre greenhouse operation and 35 acres of apples that originated with parents who came to Canada with a vision of making a better life for their family. My hope is that you will understand that we made what we have today through years of hard work and long hours to produce quality food—also, to address how the government policies are affecting our three major expenses.

This legislation will create economic instability in the agricultural sector. Our minimum wages will increase by \$200,000 a year in 2019 with no added revenue. Seasonal wages are dictated by the government. Contracts are signed along with inspected housing and transportation costs. Our labour costs are 40% of our expenses.

The products we have are perishable. We must harvest on time so the produce arrives to customers as fresh as possible.

We have a dedicated team that is responsible for ensuring that work is completed as efficiently as possible, so in our facility we have little to no turnover and we have maintained a high level of productivity.

Our competition is worldwide. Being a producer in Ontario, we make every effort to have quality products. The products must be sold to ensure income. Growers have no control over pricing and the price must be at a level that can compete in the global market.

Ontario has lost good-paying jobs by not supporting investment.

The nature of work has not changed, rather the expense of doing business in Ontario has. There has never been a 35% increase in the history of minimum wage. Where will I find that amount? My orchard produces apples, not money.

The decisions regarding minimum wage rates should encourage employers to plan, grow and invest with confidence. The process should never be allowed as an election bargaining chip.

There are also many businesses that work in our partnership with the ag food industry: customs agencies, fertilizer, chemical suppliers, construction, shipping, seed, trade and cardboard. The decision is certain to have more of a negative impact than positive. Agriculture does not have the means to create additional revenue to cover these added costs. We cannot continue to absorb them, so

this leads to making difficult decisions regarding family-owned farms.

Ontario should concentrate its efforts to attract and retain investment for economic growth. We would have been better served to study not only labour but how the changes would affect Ontario's economy. This transition process must be changed to reasonably ensure that expenses can be managed.

Our facility is paying double for hydro than what it was last year. While some attempt has been made to reduce cost in the short term, it will only prove to be even more of a problem when it is passed to the future costs.

The cap-and-trade program is a tax that we pay because we don't use enough gas. Our losses are significant. Ontario's attempt to be green is costing many businesses large amounts of money in a short time frame.

Today, I stand before this committee in an attempt to show that agriculture is very vulnerable. We have worked in this business for nearly 40 years. Our success should be gained from the long hours we work; our downfall should not be a result of aggressive policy changes.

I have based this presentation on facts, but what I want you to see is that this is our life. Our investment does not begin with a dollar; it lies in our hearts, from parents who taught us how to make something from nothing.

Ontario is not on the right path. We are small business, shouldering the responsibility of an entire province. The produce we grow will likely be on your dinner table tonight. It was grown by people who put their heart and soul into making the best product we have to offer.

Ladies and gentlemen, we are your Ontario farmers.

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you very much. We will start this round of questioning with the official opposition. MPP Nicholls.

**Mr. Rick Nicholls:** Laura, good afternoon.

**Ms. Laura Mastronardi:** Good afternoon.

**Mr. Rick Nicholls:** Thank you very much for an extremely comprehensive breakdown: fact after fact after fact.

I've spoken with many greenhouse growers in the Leamington area and even in the Chatham area with regard to the impact of the many additional taxes and costs that this government is putting on our agricultural industry. It's not a secret that farmers feed cities, as that has been well documented.

Of course, looking at the fact that now minimum wage—I believe you had stated that by the time this \$15 minimum wage is implemented in the agricultural sector, it's going to cost your business \$200,000 annually.

**Ms. Laura Mastronardi:** On top of what we pay now.

**Mr. Rick Nicholls:** On top of what you're paying now. Fair enough. As a result of that—I mean, I did catch your point that money doesn't grow on apple trees; apples grow on apple trees.

**Ms. Laura Mastronardi:** I've checked. Really, there aren't any dollars out there.

**Mr. Rick Nicholls:** Well, you know what? I think that your voice was well heard when you talked about how

you need a level playing field if you're going to remain competitive. And it's not just your business. Of course, I applaud the fact that your family came to Canada, and it's a family-run business. What did you say: 35 acres of apples and about seven and a half acres of greenhouses?

**Ms. Laura Mastronardi:** Yes.

**Mr. Rick Nicholls:** Which is tomatoes—

**Ms. Laura Mastronardi:** Tomatoes.

**Mr. Rick Nicholls:** —for the most part. Of course, you look at the other offshoot businesses that could in fact be affected, not only you.

**Ms. Laura Mastronardi:** Well, it's going to affect the entire province.

**Mr. Rick Nicholls:** Exactly. You named just a few that are affiliated and associated with you and your family-owned business, but I think of all the other greenhouse growers in the Leamington and Chatham area and throughout the province. This is basically the heart of the greenhouse industry, in southwestern Ontario, throughout Canada for the most part.

Again, I think it's important to note that minimum wage is really going to cripple your industry, which would then result in businesses being forced to either (a) close, or (b) move to another jurisdiction, perhaps going south—state-side, that is—and/or the fact that there will be loss of jobs.

**Ms. Laura Mastronardi:** Well, in my position, I'm not big enough. I can't move. I certainly cannot move my greenhouses. Effectively, if this industry declines to a point where we can't run it, my property is pretty much worth zero, wouldn't it be?

**Mr. Rick Nicholls:** Absolutely.

Prior to this, had you been planning any additional greenhouse growth at all?

**Ms. Laura Mastronardi:** Not in this economy, no.

**Mr. Rick Nicholls:** No, not at this point in time.

**Ms. Laura Mastronardi:** I would be foolish to spend that amount of money.

**Mr. Rick Nicholls:** Sure. I mean, at the cost of—what is it?—just about a million dollars per greenhouse acre to—

**Ms. Laura Mastronardi:** Thereabouts.

**Mr. Rick Nicholls:** That's just to start. But we do hear from the government that the economy is booming.

**Ms. Laura Mastronardi:** Really. Where?

**Mr. Rick Nicholls:** Well, that's a question that we have too.

Listen, employers put it on the line. You put it on the line. You take the risk. It's risk/reward as well. But we've heard of other situations here where, in businesses, there are unfair employers and so on. That's not you. That's not—

**Ms. Laura Mastronardi:** I didn't come here today just for me.

**Mr. Rick Nicholls:** I understand.

**Ms. Laura Mastronardi:** My son works on my farm. My daughter works on my farm. I have 22 minimum wage employees. What's going to happen to them?

**Mr. Rick Nicholls:** How many employees in total do you have?

**Ms. Laura Mastronardi:** Probably 25.

1500

**Mr. Rick Nicholls:** A total of 25?

**Ms. Laura Mastronardi:** Not including family.

**Mr. Rick Nicholls:** Got it, yes. Well, families work for free, don't they?

**Ms. Laura Mastronardi:** No, they don't.

**Mr. Rick Nicholls:** No, I get that.

Again, with 25 people, with an average bump of, say, \$3 an hour, that's 75 bucks an hour. What does the average working day consist of for your employees? Eight hours, 10 hours?

**Ms. Laura Mastronardi:** Probably around nine. It averages.

**Mr. Rick Nicholls:** Okay. Round it up and say it's \$750 a day extra in wages. Again, that's your \$200,000. You can't afford it, and others can't afford it either.

I appreciate your dissertation this afternoon. Thank you very much.

**Ms. Laura Mastronardi:** Thank you.

**The Vice-Chair (Ms. Ann Hoggarth):** Third party: MPP Hatfield.

**Mr. Percy Hatfield:** Thank you for coming in today. Is your mom Suzie?

**Ms. Laura Mastronardi:** No.

**Mr. Percy Hatfield:** No? All right. Is there a Suzie at Sunrise Farms somewhere?

**Ms. Laura Mastronardi:** Only my daughter.

**Mr. Percy Hatfield:** Only your daughter Suzie? All right.

**Ms. Laura Mastronardi:** I was not born a Mastronardi, by the way.

**Mr. Percy Hatfield:** I just googled Sunrise Farms. "The owners' daughter is so sweet and friendly." That must be—

**Ms. Laura Mastronardi:** It's got to be mine.

**Mr. Percy Hatfield:** It's got to be your daughter.

"Su[z]ie and family are friendly outgoing and kind. They always make you feel welcome, appreciated and cared for...."

"So friendly and helpful. Amazingly delicious products. Love the fact that they help promote local businesses."

I love it. I often brag, when I'm in the House, about the produce that we produce in Essex county. In fact, I just spent a week visiting my 93-year-old mother in Newfoundland, and I stayed with my cousin for a couple of nights in St. John's. She went to Costco to get some tomatoes, and they were from your friend and neighbour Mucci. Mucci Farms had these beautiful tomatoes in St. John's, Newfoundland. I took great pride in the fact that, hey, this is from my area back in Ontario.

We've heard all afternoon about the rising cost in hydro—400% over 14 years, or whatever it is—and now this is hitting you. I guess one of my questions would be, is it that you're opposed to a \$15 minimum wage, or are



you opposed to how rapidly it's being forced upon you, if you will?

**Ms. Laura Mastronardi:** It's probably going to be both, because this is in 18 months. You're talking about \$3.60 in 18 months.

I spoke with a couple from Seattle, Washington. I had that opportunity because they were visiting my sister. It's not working there, and they're phasing it in in five to seven years. We're going for 18 months. If it's not working that way in that time frame, how do you expect it to work here? What is it going to do to the economy? This is Economics 101.

**Mr. Percy Hatfield:** You mentioned that your hydro bill has doubled this year from last year. Does that take into account the so-called 25% reduction?

**Ms. Laura Mastronardi:** Yes.

**Mr. Percy Hatfield:** It takes that into account as well?

**Ms. Laura Mastronardi:** Yes.

**Mr. Percy Hatfield:** So you're not seeing what was promised by whatever rate reduction—

**Ms. Laura Mastronardi:** Why did they promise it in the first place? It's only going to pass that future cost on, and we're going to be paying more in hydro in another three to five years.

**Mr. Percy Hatfield:** Well, actually, over the next 40 years, your grandchildren will be paying for it as well.

**Ms. Laura Mastronardi:** No, I'm not happy about that either.

**Mr. Percy Hatfield:** Your family has been there for over 40 years, farming and producing high-quality produce for local consumption. What does your future hold?

**Ms. Laura Mastronardi:** We don't know. This is why I'm here. My future sits in the balance here, and we're waiting to find out. How high is hydro going to go? Why is it that I can buy hydro somewhere else for much cheaper than we're actually producing it in the province of Ontario?

**Mr. Percy Hatfield:** Some of your neighbours have done exactly that. They've gone across the border, have they not?

**Ms. Laura Mastronardi:** I believe so, yes.

**Mr. Percy Hatfield:** And they opened up greenhouses in Ohio or Michigan or wherever?

**Ms. Laura Mastronardi:** I think there are some in our area who have even gone as far as getting generators and going off the grid.

**Mr. Percy Hatfield:** I just heard recently that that indeed is taking place. Because some greenhouse growers could not get the supply, be it of natural gas or hydro, they decided to go off the grid.

**Ms. Laura Mastronardi:** Well, natural gas has been a problem, because we now have cap-and-trade, and cap-and-trade alone this year has cost our small farm \$80,000.

**Mr. Percy Hatfield:** You mentioned in your presentation that that was because you don't use enough, so you don't qualify?

**Ms. Laura Mastronardi:** We do not use enough. We do not qualify for the free allowance. It's not listed on

your bill, so you have no idea how much you're paying. We only know this through the gas company.

It is a tax, so if that tax is actually being taxed with HST, I don't believe that's legal.

**Mr. Percy Hatfield:** Have they ever told you how much more you would have to use in order to qualify for the discount?

**Ms. Laura Mastronardi:** I believe we have to use over—I think it's either 10 or 18 tonnes. I was reading a lot about this stuff, but you have to understand, I've been reading for the last six days.

**Mr. Percy Hatfield:** How many tonnes do you use now?

**Ms. Laura Mastronardi:** We use much less than that. We're only seven and a half acres.

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you. We'll move to the government. MPP Milczyn.

**Mr. Peter Z. Milczyn:** Thank you for coming today and giving us your presentation. Your farm is very well known throughout Ontario so it's a testament to the quality of your product. We know that you're a good employer.

We also heard a lot of stories from the agriculture sector of some farms and agribusinesses that don't treat their workers very well. That was a common theme we heard throughout Ontario, in certain sectors: that a very small number of employers treat their workers quite poorly, and we need to increase the standards.

My understanding is that, in the agriculture sector, a lot of the seasonal migrant workers aren't necessarily covered by the ESA.

**Ms. Laura Mastronardi:** Pardon me? They're not covered under what?

**Mr. Peter Z. Milczyn:** Some component of the agriculture workers aren't covered by all the requirements of the Employment Standards Act.

**Ms. Laura Mastronardi:** Which would be what? What requirements are you talking about, is what I want to know?

**Mr. Peter Z. Milczyn:** I have notes that say that. I'm not an expert in that.

**Ms. Laura Mastronardi:** So you have no reference for your statement, then?

**Mr. Peter Z. Milczyn:** Well, I have notes from the Ministry of Labour. I'm not an expert in what goes on in the agriculture sector. But I do know that we've heard the concerns of OMAFRA, who we're working very closely with on this, and looking at how certain aspects of Bill 148 might impact the agriculture sector and what specific issues might affect you that we need to address. Scheduling issues are one, because obviously—

**Ms. Laura Mastronardi:** Well, under our employ, the Seasonal Agricultural Worker Program—the contracts are negotiated through Service Canada and the liaison offices. So are you telling me that Service Canada isn't negotiating properly for these people? Or us?

**Mr. Peter Z. Milczyn:** No. I know under the federal program that the minimum wage is—

**Ms. Laura Mastronardi:** I'm not talking about minimum wage. You said they were treated poorly.

**Mr. Peter Z. Milczyn:** I said some employers in the province treat their workers poorly. That's why we are looking at increasing the minimum standards: to ensure that workers across the province are treated well. But the majority of the employers follow the law and treat their employees with respect and dignity. We struggle to force some employers to meet the minimum standards, and that's a problem. We found that the minimum standards might be lacking—

**Ms. Laura Mastronardi:** So you're going to punish a whole bunch of employers who actually meet the standards, for those who lack?

**Mr. Peter Z. Milczyn:** Well, no, the employment laws haven't really changed very much in over 20 years, and we had a very extensive, exhaustive review of workplace standards—the Employment Standards Act, the Labour Relations Act—for over two years, to look at modernizing them, raising the standards across the province, targeting some of those areas where we know there are problems with part-time workers, with—

**Ms. Laura Mastronardi:** We don't have any of those.

**Mr. Peter Z. Milczyn:** I'm not saying you do—with some employers who use temp agencies as a workaround from really having their employees treated as employees.  
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**Ms. Laura Mastronardi:** Yes, but, sir, I can only speak to the Seasonal Agricultural Worker Program.

**Mr. Peter Z. Milczyn:** Yes, and I appreciate that.

**Ms. Laura Mastronardi:** I'm speaking on behalf of my sector, which does a very good job. I have 22 workers who come from outside of Canada, and some of them have been coming to my farm for—I have at least 10 who have been coming for over 15 years. It is their choice to come to us, and it's because they are part of our family. They have watched my children grow up, and we watched their children grow up, through Facebook and conversations. They are part of our house, they are part of our family, and they're always going to be that way. We could not do what we do every day without them. I've worked with them. I've trained them. I worked in the greenhouses with them up until 10 years ago—

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you. If you have a written submission, you can send it to the Clerk by 5:30 on Friday, July 21. Thank you for your submission.

**Ms. Laura Mastronardi:** Thank you.

#### ANTONINO'S ORIGINAL PIZZA INC.

**The Vice-Chair (Ms. Ann Hoggarth):** At this time, I'd like call Antonino's Original Pizza. Is it Antonio's?

**Mr. Joe Ciaravino:** Antonino's.

**The Vice-Chair (Ms. Ann Hoggarth):** I was right.

**Mr. Joe Ciaravino:** You were.

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you.

**Interjection:** It sounds appetizing.

**Mr. Joe Ciaravino:** I'm a marketing major, so—

**The Vice-Chair (Ms. Ann Hoggarth):** Good. If you could state your name for the record, and then you may begin your five minutes.

**Mr. Joe Ciaravino:** Joe Ciaravino. I'm the president of Antonino's Original Pizza Inc. We have three locations in the Windsor area and are growing. We employ almost 50 full-time and part-time people of all ages.

I'd like to state that I am not here to oppose the legislation. I'm not against minimum wage increases. I am against the way it's being implemented. It's too much, too soon. We have run the numbers, and we estimate that it's going to result in an 8.5% increase in our labour costs. That does not include the increase in costs of our inputs, which may go up as a result of their labour costs going up. We anticipate, anywhere from 12% to 14%, having to increase our prices.

I might add that we haven't raised our prices since August 2012. We've absorbed all of these minimum wage increases, and not only the minimum wage increases but the increases in cheese every year, thanks to the dairy marketing board, and energy costs. We've done so by working with our suppliers, and hiring exceptional people and paying them well. We currently have high school and university students making \$15 an hour, and they're worth every penny. I don't have a problem paying people what they're worth.

The problem arises when we have to take a new hire and pay them \$15 an hour. Now for the exceptional employee who is making \$15 an hour, we can't pay them that, so we have to bump them. The part-time pizza makers making \$13 or \$14 can't stay there. The full-time pizza makers making \$16—and so on. Our top general manager makes almost double the minimum wage. Where does it end? Anyway, it makes it quite challenging for us.

We estimate that, January 1, depending on what happens with our suppliers in terms of price increases, the price of a large pizza is going to go up \$3 to \$4. Will a customer, overnight, be willing to pay \$3 to \$4 more for a large pizza? I don't know. It's a good pizza, but I don't know if they'll be willing to pay the \$3 to \$4 more. But we have to raise it. We cannot absorb this one. Five years without an increase—we just can't absorb any more. We can't squeeze our suppliers any more. We can't get any more productivity out of our people.

In speaking to other business owners, their people, who aren't making minimum wage, who are making \$18 or 19 bucks an hour, are saying, "How much am I going to make after this minimum wage increase?" They're expecting an increase so it is a domino effect.

I'm not an economist, I'm a marketing/pizza guy and entrepreneur, but my understanding is that when prices go up, inflation goes up. When inflation goes up, I'm sure many speakers before me have mentioned it and I'm sure all of you know, that's going to put pressure on interest rates. Not to be glib, but the \$15-an-hour student living with his parents, especially in areas like the GTA where a significant portion of the parents' income goes to paying that mortgage, what happens when interest rates



go up? Are we going to have homeless students because the parents can't afford to keep their homes because of the increase in the interest rates? Again, there are people much more knowledgeable about that, I'm sure, who have spoken on it, but that's the reality, I believe.

I know I was quoted out of context yesterday on CTV as saying, "We're going to have to lay off." We are not going to have to lay off. We are going to raise our prices. If we have to trim our margins yet again, we will. That response was to the question, "What will happen if you don't raise your prices?" Well, if we don't raise our prices, we will have to lay off. No margin, no mission. If we don't lay off, we may even have to shut down. But we are going to raise our prices. We're going to get through it, but we're asking for your help.

*Interruption.*

**Mr. Joe Ciaravino:** That's my five minutes, but we're asking for your help to implement it in a casual manner. I know, a dog bark, but I set my five.

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you very much.

*Interjection.*

**Mr. Joe Ciaravino:** No. My dog—Siri might.

**The Vice-Chair (Ms. Ann Hoggarth):** We'll go to the third party for questions. MPP Forster.

**Ms. Cindy Forster:** Thank you, Joe, for being here.

**Mr. Joe Ciaravino:** Thank you.

**Ms. Cindy Forster:** My first question, coming through Percy: Have you had a spike in sales for those Hawaiian pineapple pizzas that have been on social media here in—

**Mr. Joe Ciaravino:** The Angry Hawaiian became one of our bestselling pizzas after it was mentioned in a radio commercial and on social media, yes. We had to start ordering more bacon because it calls for double bacon.

**Ms. Cindy Forster:** Double bacon and pineapple?

**Mr. Joe Ciaravino:** It was a huge success. Interestingly enough, a previous speaker is the one to whom I give credit for naming it, Robert Maich, so the Angry Hawaiian.

**Ms. Cindy Forster:** The angry what?

**Mr. Joe Ciaravino:** The Angry Hawaiian.

**Ms. Cindy Forster:** The Angry Hawaiian, okay. Maybe we'll have to try that while we're here, eh?

**Mr. Joe Ciaravino:** Yes.

**Ms. Cindy Forster:** What impact has hydro had on your costs over the last years?

**Mr. Joe Ciaravino:** It's increased our expenses, of course. It's made us less profitable than we otherwise would be had hydro rates not gone up.

But I have to admit that we are doing well. We're spending a lot of money on marketing; the marketing is working. Our volume is up which helps with the fact that we haven't raised our prices. You've heard the saying, "Make it up in volume?"

**Ms. Cindy Forster:** Yes.

**Mr. Joe Ciaravino:** Well, we're making it up in volume. And we're getting more productivity out of the

eight or nine people we have there on a Friday night at dinner, and it's working well for us.

But obviously, if hydro prices were not high, the bottom line would be better.

**Ms. Cindy Forster:** Right. Other than the implementation of the minimum wage increase, are there other pieces of the bill that you have concerns about for your particular sector?

**Mr. Joe Ciaravino:** I have a big concern, especially in the hospitality sector, with the no-explanation sick day. Again, please excuse my lack of knowing the proper terminology, but my understanding is that an employee can just call in and say they're sick, not come into work, and that's a paid day. In our industry, that's going to be Christmas Eve and New Year's Eve. That's going to be a problem. We've actually let a student go who was scheduled to work Christmas Eve. We're not totally evil; we close at 8 p.m. on Christmas Eve and we let them off before midnight on New Year's Eve. But she called in sick both days and, of course, was all over social media having a good time, and so we let her go. Under this legislation, I don't think we would be allowed to do that.

**Ms. Cindy Forster:** You don't want people coming to work sick who are really sick—

**Mr. Joe Ciaravino:** I don't want people coming to work sick.

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**Ms. Cindy Forster:** —particularly in the food industry.

**Mr. Joe Ciaravino:** No, of course not. But I don't want people to be able to just not work a couple of the busiest days of the year under this legislation. I don't know: Am I wrong in saying that that could be a reality, that they would be able to say they are sick Christmas Eve or sick on Valentine's Day, with our heart-shaped pizzas—a little self-promotion; that's one of our busiest days of the years—and be able to call in sick? And frankly, if we see them on social media, do we still have to pay their day? Is that how it's going to work?

**Ms. Cindy Forster:** Perhaps the government will answer that question, since it's their legislation, when you get around to them, huh?

**Mr. Joe Ciaravino:** Hey, government—

**Mr. Peter Z. Milczyn:** I have an answer.

**Ms. Cindy Forster:** Is there anything else that the government could do to assist small business to offset some of the increases?

**Mr. Joe Ciaravino:** It was a lot easier to handle the increases under the McGuinty government when they increased them, I believe, \$1 or \$1.50 maximum at a time. That was easier to absorb. The increase all at once is just too hard to absorb. It's too big of an impact on our business. And the—I'm sorry; I'm drawing a blank.

**Ms. Cindy Forster:** That's all right.

How much time do I have left?

**The Vice-Chair (Ms. Ann Hoggarth):** Thirty seconds.

**Ms. Cindy Forster:** Percy, do you want to—

**Mr. Percy Hatfield:** It's been a slice, Joe.

**Mr. Joe Ciaravino:** Hey, Percy.

**Mr. Percy Hatfield:** Don't let that crusty old guy from Etobicoke—Lakeshore—

*Interjections.*

**The Vice-Chair (Ms. Ann Hoggarth):** Actually, you have a minute.

**Mr. Joe Ciaravino:** Okay, excellent.

**Mrs. Cristina Martins:** You have a whole minute. You can put in a whole order now.

**Mr. Percy Hatfield:** I can. I'll get one of those Angry Hawaiians.

You were on the radio this morning, and I imagine your phone has been ringing off the hook over all of this and your comments. I'm glad you clarified you're not doing layoffs, from yesterday's coverage.

**Mr. Joe Ciaravino:** Yes.

**Mr. Percy Hatfield:** If you had one main wish for the government side, what is it that you would say to them now in the last 20 seconds that you have? What can they do between now and when the bill is passed to help you out, to help you make more dough?

**Mr. Joe Ciaravino:** I've already said smaller increases implemented over time. But there is something else that we do: Adult employees that we could pay minimum wage, we pay a higher wage because they're going to stay with us. Turnover is expensive. Students, on the other hand, are there for a short period of time. We're going to lose them.

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you. We go to the government. MPP Milczyn.

**Mr. Percy Hatfield:** Crusty.

**Mr. Peter Z. Milczyn:** Now, now. That I object to, Percy.

Joe, thank you for coming in.

**Mr. Joe Ciaravino:** Thank you for having me.

**Mr. Peter Z. Milczyn:** Next time I'm in Windsor, I will definitely swing by and have a pizza at your place.

**Mr. Joe Ciaravino:** Thank you.

**Mr. Peter Z. Milczyn:** You've hooked me.

**Mr. Percy Hatfield:** I'll join you and I'll pay for it.

**Mr. Joe Ciaravino:** I normally bring pizza to these kinds of things, but—

**Mr. Peter Z. Milczyn:** I'll pay for the beer afterwards. How's that?

Just on your question about the person who tells you they are sick, you give them a day off, and they are on Facebook across the river at a Red Wings game or whatever it is: I'm not a lawyer, so take the advice with a grain of salt, but I would say you can fire them, because they're lying to you and they are stealing wages from you if you're giving them paid time off. That is not the intent of this legislation.

**Mr. Joe Ciaravino:** That's encouraging, okay.

**Mr. Peter Z. Milczyn:** We are proposing to eliminate doctors' notes, because doctors themselves will say what a waste of their time and public money it is to fill up doctors' waiting rooms, and sometimes emergency wards, with people who might have a bad cold or the flu or nothing more serious, to get a doctor's note to say,

"Yes, I'm really sick." They might actually get sicker going to the doctor and waiting in the waiting room.

For you as an employer, there are other ways. You can ask them to sign something attesting to the fact that indeed they were sick. If you find out that they lied to you, then you have a remedy.

**Mr. Joe Ciaravino:** All right.

**Mr. Peter Z. Milczyn:** On the scheduling part, there is already a provision in the bill that says if there's a power failure or a storm or a number of other things and that causes you to cancel a shift, there is no extra time to be paid for that. If you think that wording isn't clear enough or broad enough, I welcome you to give us suggestions on an amendment. We've had other sectors give us some suggestions on how to make that wording a little bit better.

**Mr. Joe Ciaravino:** All right.

**Mr. Peter Z. Milczyn:** So you have, let's call them, mature, full-time employees. You say you pay them above minimum wage right now—at or above the new proposed rate.

**Mr. Joe Ciaravino:** Yes.

**Mr. Peter Z. Milczyn:** Fifteen, 20, 30 years ago, the norm was, somebody had a full-time job and they went to it five days a week or whatever the case is, and they paid their bills, and they had a family and so on. We slowly got away from that for a number of reasons.

In a way, wouldn't it be better if you had more full-time, permanent employees who rely on you, and you can rely on them?

**Mr. Joe Ciaravino:** For sure. They are hard to find. In fact, I'm so glad that yesterday CTV ran the part where I said how much we pay our people, because I'm hoping that attracts some employees. It is really hard. We pay the highest wages in our industry. We offer benefits, which none of these mom-and-pop places do, and we still have trouble finding qualified pizza makers, pizza maker managers.

It's becoming a real problem for all of us. In fact, we were talking half-jokingly about the college doing a program. The pizza industry in this town, combined, is a major employer. We have more pizzerias per capita in this area—

**Mr. Peter Z. Milczyn:** So on that, across Ontario, 10% of the population is at minimum wage and 30% is below the \$15 an hour. If a number of people in the Windsor area are making more money, do you think they'll be coming in and buying more pizzas?

**Mr. Joe Ciaravino:** They'll be coming in and buying large pizzas that are \$3 or \$4 more—because that's the reality.

**Mr. Peter Z. Milczyn:** They'll still be spending more money in the local economy.

**Mr. Joe Ciaravino:** We hope, yes.

**Mr. Peter Z. Milczyn:** I don't have time today, but the next time I'm in Windsor—hopefully, soon—I'll be coming by.

**Mr. Joe Ciaravino:** I should have brought one. Okay.

**The Vice-Chair (Ms. Ann Hoggarth):** We'll move to the official opposition. MPP Yakabuski.



**Mr. John Yakabuski:** Thank you, Joe, for coming in today. I had the pleasure of meeting you in the hall previous to your deposition.

Before I forget, do you deliver?

**Mr. Joe Ciaravino:** Actually, no. We offer delivery for party orders of \$60 or more at our Tecumseh location, which struggles a little bit. We are in the process of phasing out the delivery and going to \$60 or more for party orders.

**Mr. John Yakabuski:** I am disappointed because I was going to have you deliver a couple of those Angry Hawaiians here for 5:30.

**Mr. Joe Ciaravino:** If you can you get it to 60 bucks, then we'll get it here.

**Mr. John Yakabuski:** If you bring two Angry Hawaiians here for 5:30, I'll pay you the 60 bucks.

*Interjections.*

**Mr. Joe Ciaravino:** I'll tell you what: I'll donate them.

**Mr. John Yakabuski:** No, you bring them, and we'll pay for them. I'm actually tired of getting into the next city at 10 o'clock at night and having to eat before I go to bed at 11. So I'll pay for the pizza if you bring it by 5:30.

**Mr. Joe Ciaravino:** All right—two Angry Hawaiians.

**Mr. John Yakabuski:** Can we get three for \$60?

**Mr. Joe Ciaravino:** Sure.

**Mr. John Yakabuski:** I'll buy them.

**Mr. Peter Z. Milczyn:** I'm calling the Integrity Commissioner.

**Mr. John Yakabuski:** That's good.

Joe, you've articulated it very well. We love these real-life circumstances—about how it affects real people in business who are trying to create jobs. You're an expanding business. You want to create more jobs, because more jobs mean that your business is doing well.

**Mr. Joe Ciaravino:** Yes.

**Mr. John Yakabuski:** You've indicated very clearly to us—and I know nobody wants to raise alarm bells. I think you've been careful about what you've said. But if you can't raise your prices or if raising your prices means that fewer people come through your door to buy Angry Hawaiians or whatever other pizzas you're making, then your business is going to suffer too.

**Mr. Joe Ciaravino:** Yes, it will. Definitely.

**Mr. John Yakabuski:** You say you're not an economist, but you understand Economics 101 very well. You might be a marketer, but you know what it takes to get those people through the door and what it costs to get them through the door and what it costs for the product that is bringing them through the door.

So I really appreciate you articulating how it's going to affect not only the people who are directly affected by an increase in the minimum wage but those people who are above that scale or near that scale today who—we all understand human nature. You want permanent employees because they're your greatest asset. They understand your business like you do. There is going to be, as you said, a significant pressure on you to do something about their wages that is commensurate with the in-

creases that have been given to anybody who starts the next day.

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**Mr. Joe Ciaravino:** Definitely.

**Mr. John Yakabuski:** You have no question that that's going to happen, do you?

**Mr. Joe Ciaravino:** It is. Of course. And if we don't given them a commensurate increase, the guy at the \$20 range, he's not going to be happy. And an unhappy employee is not the most productive, and that employee is not the one you want dealing with your customers.

**Mr. John Yakabuski:** Exactly. Those are the kinds of stories that we need to hear. Those are the kinds of stories the government needs to hear. Any changes to this legislation, even if it's a slowdown—and like you said, you're not opposed to \$15; you're concerned about the speed with which it's being implemented, correct?

**Mr. Joe Ciaravino:** Yes.

**Mrs. Cristina Martins:** He already pays above \$15.

**Mr. John Yakabuski:** I don't need you, Cristina. I'm talking to Joe. Thank you.

**Mr. Joe Ciaravino:** We've probably got half a dozen students who are at that \$15.

**Mr. John Yakabuski:** You're saying that it's the speed at which it's being implemented.

**Mr. Joe Ciaravino:** Yes, exactly. Exactly.

**Mr. John Yakabuski:** Well, it's up to the government to make those changes. They have the majority. Hopefully they're listening to what is being said by businesses all across this province.

**Mr. Joe Ciaravino:** Can I just add—

**Mr. John Yakabuski:** Absolutely.

**Mr. Joe Ciaravino:** What we do—and again, I don't know if it's practical, but the point I was making before is the adult person who is part-time whom we could pay minimum wage to but we pay more because they're going to be with us long-term—can the student minimum wage not be based on whether the person is in school, as opposed to the age? Because if they're in school, again, they fall into that category that once they're done school, we lose them. We incur the hiring, recruitment and training costs and the learning curve and the reduced productivity. I don't know if that's workable or unworkable, but that's how we do it. I'm just giving you a practical case, a real-world case of how we do it. I don't know if that helps.

**Mr. John Yakabuski:** Thank you very much. Three Angry Hawaiians at 5:30.

**Mr. Joe Ciaravino:** I'm going to do one not Angry Hawaiian, just in case people don't like it.

**Mr. John Yakabuski:** Okay, so like a combination?

**Mr. Joe Ciaravino:** Yes.

**Mr. John Yakabuski:** No olives.

**Mr. Joe Ciaravino:** Don't worry, I'll bring you something you'll like.

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you very much for your presentation.

**Mr. Joe Ciaravino:** Okay. Thank you.

**The Vice-Chair (Ms. Ann Hoggarth):** If you would like to submit a written submission, it needs to be to the Clerk by 5:30 on Friday, July 21. Thank you, sir.

**Mr. Joe Ciaravino:** Thank you very much.

**Mr. John Yakabuski:** Thank you, Joe.

COMMUNITY LEGAL AID,  
UNIVERSITY OF WINDSOR

**The Vice-Chair (Ms. Ann Hoggarth):** At this point, I'd like to call Community Legal Aid, University of Windsor.

If you would state your names for the record, and then you may begin your five-minute presentation.

**Ms. Lilian Bahgat:** My name is Lilian Bahgat, and I have with me here Emre Esenoy. Good afternoon and thank you for allowing us to speak to you today about Bill 148. I am review counsel at Community Legal Aid, and Emre is one of our law students at the clinic. The clinic is a project between the University of Windsor and Legal Aid Ontario. We've been representing low-income residents of the city of Windsor and the greater Essex county for 40 years, along with undergraduate students at the University of Windsor.

We're here today to discuss three main points about the Employment Standards Act amendments, because we do represent clients in the employment law area who are non-unionized. The first point is going to discuss the need for greater efficacy of the Employment Standards Act, which will only come with strengthening the enforcement measures that are under the act currently. The second point is going to discuss the necessity to stabilize the scheduling for shift-work employees. And our third point will be the need to implement dependent workers or contractors in the definition of "employee" under the Employment Standards Act.

I will be speaking about the first point, and Emre will cover the other two points. We're going to be discussing them through cases that we've actually worked on.

To the first point, the need for greater efficacy by strengthening the enforcement measures of the Employment Standards Act: Any regulation is only as good as the enforcement branch of it. Frankly, the current state of the Employment Standards Act enforcement is dismal. Most of the—we're going to call them egregious employers—consider employment standards violations sometimes as just the cost of doing business.

We successfully represented "Jim"—and I am changing the names, obviously, for confidentiality—in an unpaid wages case, where he was owed about \$2,700. It took nine months for us to obtain that judgment, and another four months trying to enforce the judgement.

Jim's employer had incorporated three business operations out of the same address. He claimed that he was the director of one of these companies and that Jim was the employee of another company, so he was doing a kind of a bait-and-switch. Jim's employer was listed as either an officer or director of each of these three companies. We came to learn that this employer used the

same defence with another employee in another unpaid wages case.

In the end, we were able to get Jim his settlement. However, many employees in Ontario cannot afford lawyers to enforce their claims through the courts.

While the ministry claims are free to the employee, a majority of the orders remain unenforced. We know that from the statistics out there.

In our experience, court matters settle because these claims are public, and sometimes, frankly, it's in the best interests of the employer to quickly settle the matter.

We're suggesting that the Employment Standards Act should be amended, and we support that amendment, to publish the names of violating employers, to enforce orders against related businesses and to afford the employee—this is the part we'd like to see added—the choice to enforce the order themselves if the ministry is unable to do so because of the lag periods that are currently going on.

I'm going to allow Emre to speak about the other two points.

**Mr. Emre Esenoy:** Good afternoon, Madam Chair and committee members.

The second issue that we'd like to address is the necessity to stabilize scheduling for shift-work employees.

In another case, "Shannon" was an undergraduate student at the University of Windsor. She was paying for her education by working part-time as a liquor server. Things were going well until she was assigned a new supervisor. The supervisor started to change her shifts. At first, he would remove her from a few shifts in a month. Then he started to call her the day before an assigned shift and tell her to not bother coming in. Then he started sending her home after she arrived ready for work.

Shannon watched her income decrease by approximately 60%. This was income that she relied on to pay for her tuition. When she questioned why this was happening, she was chastised for being ungrateful.

Shannon came to us because she could no longer afford to work at that job, and was worried for her younger sister, who was also working there. We successfully settled the matter, and Shannon recouped her lost wages, but she had to leave her job—

**The Vice-Chair (Ms. Ann Hoggarth):** You have 30 seconds.

**Mr. Emre Esenoy:** Fair enough. Let me wrap up this point, then.

We support the provisions in the bill that are amending the shift-work schedules. We need to limit the rights of an employer to send their worker home early without pay, or to cancel their shifts without proper notice. This needs to be done so that young workers like Shannon have the opportunity to contribute to their education and not accumulate debt.

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you. We start with the government in this round of questioning. MPP Martins.

**Mrs. Cristina Martins:** I just wanted to thank you for being here. I can give you a minute or so, if you wanted



to add anything else. I know you seemed a little bit rushed at the end.

**Mr. Emre Esensoy:** Thank you very much. Yes.

We also wanted to touch on the issue of dependent contractors. As you know, in the Employment Standards Act, dependent contractors are not under the definition of “employee,” while they are considered as employees in the labour code.

We had another case where, essentially, our client’s employer tried to make it look like the client was a dependent contractor and wasn’t in fact an employee.

This is not something that’s in the bill before us, but that definition of “dependent contractor” should be added in there as well.

**Mrs. Cristina Martins:** Okay. If I hear you correctly, then, just in terms of the definition of “employee,” there seems to be a little bit of a discrepancy about whether it’s in the Employment Standards Act or in the labour relations board definition, right?

**Mr. Emre Esensoy:** It’s in the labour code, yes.

**Mrs. Cristina Martins:** In the code. So there should be alignment with regard to the definition of “employee” as well as of “dependent contractor,” correct—is that what you said?—to add an additional definition for that type of employee.

1540

**Mr. Emre Esensoy:** Yes.

**Mrs. Cristina Martins:** Okay. I appreciate the work that is done through the legal aid clinics, and the work that you do on behalf of those who are perhaps a bit more marginalized within our communities, and the real-life examples that you gave.

Perhaps you would agree, then—part of what we’re proposing with this bill is to have 175 extra inspectors in the workplaces to help enforce and ensure that there is compliance with what it is that we’re proposing in this bill—that that is something that’s perhaps going to help some of the clients who you see and the examples that you gave.

**Ms. Lilian Bahgat:** Yes, definitely, that will help.

Part of the frustration when clients come to us is that, obviously, there is always an apprehension of even bringing forth a claim, especially for the employee who is currently working. That’s the stress that workers endure in even wanting to ask a question about their rights.

Having officers come out there would also assist in education. Not all employers are awful people; we don’t want to say that at all. We have wonderful employers who we work with, but some are not educated on what the ESA says. A little education goes a long way. So that would definitely assist.

**Mrs. Cristina Martins:** I know that the Ministry of Labour has a lot of information up on its website that does indeed educate employees of their rights, in various languages, actually, because we are so diverse in our province. That information is available. It’s letting those new employees, especially the ones who are new to our province, know that that actually exists, and points them in the right direction. So thank you for that.

I guess you’ll also agree that the changes that we’re making with regard to scheduling—and you had an example of that—is something that would help the client you described, in ensuring that schedules aren’t changing on a whim, on the fly.

**Mr. Emre Esensoy:** Absolutely. Predictability is very important for all of us, and especially people who are in precarious situations and who basically work from paycheque to paycheque. When that predictability goes away, it doesn’t just affect how they pay the bills, but also their relationships with their children or their mental health. It’s basically across-the-board results—

**Mrs. Cristina Martins:** I think the example you gave was of a student—just in terms of finding it difficult to juggle the scheduling at school with their work schedule.

You mentioned children. Mums often have to try to find daycare for their kids from one hour to the next, or a couple of hours, or even maybe a day, and it’s completely impossible.

So having this in there—you see that as something that’s going to bring that predictability and stability in people’s lives, and being able to plan their days and weeks.

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you. We’ll move to the official opposition. MPP Yakabuski.

**Mr. John Yakabuski:** Thank you very much, Lilian and Emre, for joining us today. I appreciate your submission, and I recognize very deeply the work that you do.

As long as we live in this world, there will always be some people who are willing to take advantage of others to advantage themselves—and it’s usually surrounded by the almighty dollar. That is regrettable. It is our job, as a society, to ensure that we also have things in place to protect those people so that they’re not exploited. No truly compassionate person can ever believe that exploitation is something that we should ever have to deal with, but unfortunately we know it happens rampantly around the world. It still happens in this country. We have people who come to our offices, and we often end up referring them to the legal aid system within our own ridings to try to get that help. So we appreciate the fact that you’ve been able to help people who find themselves in those circumstances. Quite frankly, those people who are on the delivering end of that kind of exploitation should not be in business at all.

Having said that—and I know you don’t get visited by people who say, “I work for a really good employer.”

**Ms. Lilian Bahgat:** I was in private practice; I had the other side of it. I did assist employers.

**Mr. John Yakabuski:** You also understand we have a lot of wonderful, wonderful employers out there.

**Ms. Lilian Bahgat:** That’s right, yes.

**Mr. John Yakabuski:** You’re not creating—I know that this is not what you’re implying. I also want to make sure that people understand that this is not the norm out there, but we also have to have the protections for people who fall victim to those who would take advantage of them. So we appreciate what you’re doing. Any time that

we can do something to protect those people, that's the right thing to do.

**Ms. Lilian Bahgat:** I think our concern is that it is the norm for the files that we see at our clinic. That's the thing: It's not slowing down. It's counterintuitive for me to come testify before you. I'm kind of putting myself out of a job. If the Employment Standards Act worked the way it did and employers were all great and everyone was following the law, I wouldn't be here practising in this area. It is the norm for the files we do see, though.

**Mr. John Yakubowski:** Absolutely, because, as I said, your office is like ours. We deal with helping people. It's very seldom that someone comes into my office or any one of the MPP offices here and says, "Listen, I'm just coming by to say hello because life is great." No. They usually come to our office because they've got an issue they are seeking our involvement or help on, so I do understand that. As I say, we as legislators and we as a society in general have to ensure that we can help those people. The challenge is sometimes having enough access to legal aid for some of these people as well.

I understand completely what you're saying. I appreciate your input here to the committee, and it will certainly be all part of our considerations. Thank you very much.

**Ms. Lilian Bahgat:** Thank you.

**The Vice-Chair (Ms. Ann Hoggarth):** We'll move to the third party. MPP Hatfield.

**Mr. Percy Hatfield:** Thank you for coming in. Just a question, I guess: At your clinic, how many clients would you see in a year dealing with employment infractions of one kind or another?

**Ms. Lilian Bahgat:** We wouldn't be able to give you exact statistics. We could tell you our clinic sees, on average, somewhere between 300 to 400 files—in various areas, however, because we do cover various areas.

With employment law, I was hired two years ago to take on that area, so certainly I have on average, sometimes, between 35 to 40 files, but they're evolving, so throughout the year. They are all ESA violations.

**Mr. Percy Hatfield:** So it's something, obviously, where these rules could be tightened up to help you.

You talked about the dependent contractors.

**Ms. Lilian Bahgat:** Yes.

**Mr. Percy Hatfield:** When you guys were in high school, I used to be a reporter in Windsor with the Canadian Media Guild. I know now, basically, in Toronto, the guild is actively organizing dependent contractors working on various TV reality shows. They may sign on for a few months or a few years, depending on the length of the program. I know they made a presentation to the workplace review committee, trying to have organization drives for dependent contractors made easier, to make sure—because this is a new industry, right? Be it ViceLand or any of these shows or reality TV, a bunch of them being shot in Toronto, people don't get the recognition they deserve or the protection they deserve because they're not unionized as such, a dependent contractor. "Oh, no. You're only here for a short time." After those

90 days, they sign up for another 90 days or another year, whatever it is.

You deal with it all the time. In the future, are we going to see more dependent contractors? If so, should there be something in this bill to help protect them?

**Ms. Lilian Bahgat:** We're seeing it come up as a defence quite often in our ESA claims. We're seeing contracts being written and drafted in a form to try to make the employee look like a dependent contractor, because they know then that they are not qualified under the ESA. That's the growing concern. Common law has recognized rights for dependent contractors. There's a definition in the labour code for it. So the ESA is the only segment that hasn't taken on those changes and recognized that.

It's always good to tighten up the act. Can we get it 100%? Not all the time, but when we don't do it, what we'll see is that those violations will expand in those areas where we haven't tightened up those loopholes, frankly.

1550

**Mr. Percy Hatfield:** This is my first and probably only day at committee, so I don't know if the guild has presented to the committee. They will, at some point down the road, I'm sure. I wouldn't want anything that I've said today to take away from what you'll be hearing from them at some point down the road. I say that to my friends on the government side.

One of the other things you touched on was scheduling. We've heard from the carpenters' union, which had an opinion. We've heard from the UFCW and different people on the thorny issue of scheduling. As I read between the lines—or listened between the lines—in your presentation, in one situation that you mentioned, it was almost like a concentrated action of dismissal, like they made this person's life so difficult to try to force them out the door. Is that what you have encountered on more than one occasion, and what you see in your clinic?

**Ms. Lilian Bahgat:** Yes. If you're not getting the shifts, you're going to start looking for work elsewhere, right? You don't have those opportunities. So are you going to find the work? Probably not. But that's what her situation was exactly. She was now saying, "I can't afford to be at this job. I'm trying to continue my education. I need this tuition. My younger sister is working here."

I would just like to make the point, too, that part of the success of the settlement was based on the fact that she was smart enough to take photos of the schedule as it changed. We presented that to the employer to say, "No, you have been taking away her shifts," because the first thing the employer said was, "Oh, no, we never took away shifts. Those are just the ones I could offer." So that might be an issue the committee would want to look at, the requirement to actually provide a written schedule.

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you very much.

**Mr. Percy Hatfield:** Thank you.



**The Vice-Chair (Ms. Ann Hoggarth):** If you have a written submission, if you could send it, please, to the Clerk by 5:30 p.m. on Friday, July 21.

**Ms. Lilian Bahgat:** Thank you.

### WINDSOR AND DISTRICT LABOUR COUNCIL

**The Vice-Chair (Ms. Ann Hoggarth):** I'd like to call the Windsor and District Labour Council. If you could please state your names for the official record, and your five minutes will begin.

**Mr. Brian Hogan:** Bonjour. Hello. My name is Brian Hogan. I'm the president of the Windsor and District Labour Council. This is a friend of mine, activist John Kerr.

We are a group of affiliated unions. Besides caring for our members, our focus is to make our region and the province better for the citizens. We speak for the voiceless; we give a helping hand to the marginalized. Today is another opportunity to help these citizens. Thank you all for being here to help our citizens. We work with the United Way and poverty activists.

Here are some startling local and provincial stats that prove that bold, progressive, generational labour law changes are needed:

- working poor in Windsor-Essex: 18,500;
- people with low income in Windsor-Essex: 18.6%;
- lone parents in Windsor-Essex with low income: 34.1%.

Ontario: The share of Ontario workers earning minimum wage went from 2.4% in 1997 to 11.9% in 2014. The share of low-wage workers making within \$4 of minimum wage went from 19.8% in 1997 to 29.4% in 2014.

We're talking about startling numbers. We've become a low-wage economy.

There are dozens of important changes needed beyond the minimum wage—the issue which is getting way too much of the press, I believe—so I will make just a couple of quick points:

- (1) Well done.
- (2) Get rid of the student and liquor servers exemption.

(3) You all know this one: 40 Canadian economists endorse the wage increase—40 of them.

(4) Certainly all of you have citizens who struggle with poverty in your ridings, and certainly those citizens have voted for you.

For dozens of the other issues, in order to maximize the opportunity for your voiceless, marginalized citizens, my overarching concept is that by making it easier and fairer for workers to join unions, you'll be helping them by making this a better place.

Unions are your eyes and ears, to help the labour laws work. Wage theft, unjust dismissals, harassment, WSIB issues, EI—if an employer is not following the rules, the union is there. They'll speak to the employer. The government will hear; the opposition will hear.

A number of amendments need to go further. Be bold enough to care for your citizens during the precarious times. Merci. Thank you.

**Mr. John Kerr:** Good afternoon. I'd like to say thank you for this opportunity to share my reasons for why card-based certification is the only way Bill 148 should address joining a union.

I would like to share a personal story. At a previous employer that was non-union, a union organizer called me and asked if he and his partner could come by my house to explain the union drive happening in my workplace. That night, I liked most of the things they talked about, especially equalization and standardization of wages and work rules.

At the time, our workplace was divided into two sections. Group A, my group, were those of us who worked in the industry at other places, bringing into this workplace our skills and knowledge. Group B were those hired who knew the owner from a community group, were favoured by the owners, it was easy to see, and it was rumoured that they were paid better.

I was so naive that when someone from group B asked me about the union drive, I invited him to my home to explain to him everything that I had learned the night before. That Friday, I was fired.

I was 24 years old and I had a one-year-old and a newborn. We were living in Windsor's subsidized, rent-gear-to-income housing at the time. We were shell-shocked. It put a tremendous strain on our family.

A second person was fired from the same place at the same time during this union drive for not having proper qualifications to do his job, a job he had been doing for two years previous. There is not enough time to explain or list the intimidation acts that the owner performed during this drive. I must say that these tactics were done before 1995. That's what I feel we need to get back to, is what we had before.

At the time, owners and bosses told panels just like you that unions had the upper hand, needed a five-day cooling-off period and a second, separate vote. I disagree. Lucky for me, my story didn't involve the extra week or the second, secret vote. Otherwise, I can't imagine what other intimidating ideas they would have tried just inches from our second secret-ballot box.

I ask that Ontario go to a card-based certification, because workers only need to vote once, and that's when they put their signature on a union card. Thank you.

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you very much. We go to the official opposition. MPP Bailey.

**Mr. Robert Bailey:** Welcome, John and Brian. First of all, I'd like to get on the record right off the get-go that those types of intimidation tactics should form no part of any business in Ontario. I'd certainly repudiate those.

I did have the opportunity and privilege in a former life to be a union member of two different locals in Sarnia—I'm from Sarnia, Ontario. One was in the construction trades and the other was with—it's Unifor now. It used to be CEP, chemical producers. Anyway, I was part of a union drive. I know a lot of people around

this table wouldn't believe that, but I was part of that. I never told Percy that story yet.

**Mr. John Yakabuski:** You can go for pizza.

**Mr. Robert Bailey:** Yes, we can eat pizza together.

But anyway, I understand. I worked with a number of people—I'm going back a few years ago now—where I've seen that people had those types of fears. I'll be honest: Myself, I was a little concerned about—I was new in the workplace and really didn't know what was going on there.

I certainly think that we need to move forward. I know there are a lot of responsible employers in the province and there's probably a minority who aren't. Those changes need to be made for those people.

I don't want to take up all my colleagues' time here, but could you speak a little bit to some of the things that you'd like to see included in the bill that aren't there now, for the government and the two opposition parties?

**Mr. Brian Hogan:** In terms of the dollars, I said you're on the right track—and the students and the liquor servers. We don't think there's an exception.

What's good about the drive, working this for the last couple of years, is that things are moving. You touched on tons of issues, but quite simply, the card-based is huge. Again, by being part of a union, everything is going to be better at the workplace because there's that voice there. There's that voice. Paul talked about wage theft. There could be problems in the workplace, as you know, in a unionized place, but they get results. That's what the job of the union is: to work closely with them.

1600

The one about "same" jobs: Change it to "similar."

The paid emergency leave: Like others, we'd like to see that bumped up.

Replacement workers are still allowed. You might imagine a group that's just relatively new; the workplace got unionized. The gentleman from the UFCW talked about it. Then, all of a sudden, in come the replacement workers, or scabs or whatever, and no one wins. Absolutely no one wins.

The last one is on just cause. In a non-unionized workplace, nobody, union or non-union, should be fired for no reason. You talked to the gentleman with the pizzeria place. That's likely just cause, right? We'd like to see a just-cause clause in, for all workplaces. It gets hammered out. Unionized, it will get hammered out. If not, it will go through arbitration, the Ministry of Labour, in a non-unionized workplace.

**Mr. Robert Bailey:** John or Rick?

**Mr. John Yakabuski:** How much time is left, Chair?

**The Vice-Chair (Ms. Ann Hoggarth):** A minute and a half.

**Mr. John Yakabuski:** A minute.

I certainly appreciate all of those issues that you're bringing forward. So many of them we agree with as just being an issue of fundamental fairness.

On the issue of just cause: No one should ever lose their job without cause.

Forgive my naïveté, perhaps, but I've got to be honest with you: I was an independent business, so I never had

the issue. But the fact that anyone could get fired, lose their job, for simply trying to organize—I support the right of every person to be able to legally organize. We think it should be fair in every respect. Neither side should be able to conduct themselves in what would be considered unsavoury practices. But the fact that anybody would lose their job, which you did—is it John?

**Mr. John Kerr:** Yes. I was one of two people who lost their jobs. Just to be clear, I was not organizing. I had an organizer come to my home.

**Mr. John Yakabuski:** No, you just had a visitor.

**Mr. John Kerr:** Then I had a co-worker come to my home, and I just explained what happened the night before. I was guilty by association.

Actually, I was told I wasn't happy there.

**Mr. John Yakabuski:** You weren't what?

**Mr. John Kerr:** I wasn't happy there. "We hear you weren't happy here. Therefore, we're going to let you go."

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you.

**Mr. John Yakabuski:** Thank you very much.

**The Vice-Chair (Ms. Ann Hoggarth):** We'll move to the third party. MPP Hatfield.

**Mr. Percy Hatfield:** Just for the benefit of the visiting members who are here, Brian, let me say that when the Deputy Premier, Deb Matthews, was here a while ago, Unifor put on this thing, with the chamber of commerce, talking about the future of the automotive industry. The Deputy Premier was amazed at the co-operation between labour and the chamber of commerce.

Would you like to tell the committee the benefits of having that kind of a working partnership, the benefits to this community, because of your working relationship with the chamber of commerce?

**Mr. Brian Hogan:** Absolutely. You know the stereotype that the union's job is to butt heads. I learned a long time ago that our job is to advocate for the members and be a voice for them. If a member is going to get whatever they deserve, they're going to get it with you having some advocacy. We have a duty of fair representation.

We want this community and all the communities across the province to thrive. We have to work with Matt Marchand. We had a unionized speaker and Matt was the keynote speakers at our Charlie Brooks banquet at United Way. We have to work together.

I say to our employer, "Those are our members; those are your workers. But together, they're the same darned person."

Absolutely, we need that kind of relationship.

**Mr. Percy Hatfield:** I'm sure the committee knows that Windsor, a few years ago, had one of the highest unemployment rates in the province, if not the country. Now our unemployment rate is one of the lowest in Ontario, in large part, as John would know, through the automotive industry. But it's also that working together, that partnership, I believe, with the chamber and labour, sending out a message that Windsor is not a bad place to open a business, start a business, expand a business,



because of that working relationship between the chamber, business and labour.

One of the successful campaigns that you've run in this area is the \$15 and Fairness campaign. Would you like to explain to the committee how well we've done with that here?

**Mr. John Kerr:** The \$15 and Fairness campaign is an OFL campaign. I think most of you may have been part of it in one way or another. We did some lobbying. Here in Windsor, it has been extremely successful—actually, one of the most successful communities in all of Ontario. We've done a postcard campaign where we've gone to people and asked them, "Do you support the \$15 for fairness? Do you support the fundamentals of it, getting the raise?" People signed the card and returned it back to us, and we brought it to our MPPs' offices here in Windsor and Essex county.

I would like to add, you are not the third party here in Windsor and Essex county; you are the first party in Windsor and Essex county.

**Mr. Percy Hatfield:** Thank you very much.

**Mr. John Kerr:** You were very receptive and very good at the things that your party has brought forward to help with the Liberals making Bill 148, which is fantastic. You're working on it; you're seeing the issues; you're taking it, and we appreciate that. As workers, we appreciate the bravery in going in—because somebody is not going to be happy at the end of the day, no matter what you do. So we applaud that from the campaign as well.

**Mr. Percy Hatfield:** Brian, as an educator, you know full well the value of a full, nutritious breakfast for learning in the classroom. One of the earlier presenters called on the government to make every child in Ontario—have the government fund a nutritious breakfast program so that children can learn better. What is your opinion on something like that?

**Mr. Brian Hogan:** I just retired a couple of Fridays ago. This is my volunteer job. My day job was in the Catholic system.

Absolutely, that's needed in our school systems. That leads to why their moms and dads need the \$15 in a year and a half, and all of the other work conditions: scheduling etc.

I think we're the fourth most diverse city in the entire country, and that's fantastic. That does mean, though, that we have people coming in from lots of countries and juggling their kids at school and three jobs or no jobs as they're trying to assimilate. Anything you do to help their kids and help them to juggle their new life here—anyway, I agree with those kinds of things. The synergies between all of the different ministries, for the children especially, is very helpful.

**Mr. Percy Hatfield:** I suppose at some point we're having—

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you.

**Mr. Percy Hatfield:** —we're having to say goodbye and thank you, yes.

**The Vice-Chair (Ms. Ann Hoggarth):** MPP Milczyn.

**Mr. Peter Z. Milczyn:** Thank you for coming in this afternoon. I really enjoyed your presentation. It's very important to hear those kinds of personal stories that make the policy and the law and why it has to change—it makes it real. So thank you for that.

Did your labour council participate in the Changing Workplaces Review?

**Mr. Brian Hogan:** I believe we did. I think I was out of town during that time. We've worked closely with the OFL and all of the other groups.

You talked about real stories. The reason I said that the \$15 is overkill, in terms of that's what the message is—there are lots of issues that you've tackled. No, it's not 400 pages, but it's a lot of pages and a lot of issues. Because we've got to get post-Mike Harris; we've got to get more Bill Davis, Robarts, any other—

**Mr. Peter Z. Milczyn:** Wynne.

**Mr. Brian Hogan:** Wynne.

**Mr. Peter Z. Milczyn:** Yes.

**Mr. Brian Hogan:** Exactly.

And I'm going to hammer again the 40 economists who say it's the right answer.

I want to talk about real—not everything is measurable in terms of dollars and cents. If you help out that new immigrant for their kids, how do you measure that—that they can get home at the right time and put food on the table? There are a lot of non-measurables. But we know that in terms of mental health, in terms of all kinds of things, they are going to help your Ontario citizens, absolutely.

**Mr. Peter Z. Milczyn:** Why I asked you the question of whether you participated in the review is—what you see in Bill 148 are the types of things that you were hoping to see? I'm not going to claim that it's a perfect piece of legislation, but I think it's pretty good darn good. But is it what you were hoping to see?

1610

**Mr. Brian Hogan:** I tackled most of them just before; you hit them all. As we say sometimes at the OFL conference and the CLC, everybody's on the pro mike. It's working towards a collective solution. But if you go to the con mike, it's: "It just hasn't gone far enough." So, again, there are some things that if you can keep moving that stick, you move the stick for sure. As the economists say, it's the right choice.

But all the others—think strongly again about the just cause. I get the replacement worker one is maybe a red herring for some people, and that might be a little scarier, but those are the two that were silent.

**Mr. Peter Z. Milczyn:** Windsor is a remarkable city because, really, everybody in the community is rowing in the same direction—business, labour and the community—and that's great.

Mr. Marchand was here earlier and he was talking about what the Ontario advantage is after doing all of these things, then he talked about the lack of skilled labour. I asked him whether the fact that we've brought in free tuition for several hundred thousand Ontario students—including mature students for the first time; so

you don't just have to be 18 to 25 to benefit from that. Is that not the opportunity to direct people who maybe thought education was out of their reach? You can get an education; you don't have to pay tuition. You're going to be able to maybe have a part-time job that's actually going to help you afford to live while you're a student and get those skills, so you can get a really good job at the end of it. But we need to work together to direct people to those areas where there's a shortage of skilled workers.

So when we look at an increase in minimum wage plus free tuition for the lower-income people in our province, is that not what the solution to a stronger economy is?

**Mr. Brian Hogan:** Absolutely. And back to the breakfast, all the pieces are working here. Again, it's a measureable that might not—your free tuition is over here in this set of hearings, and so all of it together, those pieces certainly are working.

I'm from the time when you graduated out of grade 12, you likely got a job. If you graduated out of grade 12 or 13 with lousy marks like me, I still got into university. You know what? I got out of university and my loan was this big; I paid it off quickly. For this next generation, these kinds of things will certainly help them.

We say about the next generation that they won't do as well as this generation. If the Ontario Legislature can get certain pieces of the puzzle working well, that certainly will be the advantage.

**Mr. Peter Z. Milczyn:** This is about trying to get it back to where it used to be.

**Mr. Brian Hogan:** Absolutely.

**Mr. Peter Z. Milczyn:** Thank you.

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you very much. If you have a written submission, it needs to be to the Clerk of the Committee by 5:30 p.m. on Friday, July 21. Thank you.

**Mr. Brian Hogan:** Thanks for your time. I appreciate it.

**Mr. John Kerr:** Safe travels home for everybody who has to deal with the 401.

#### UNIFOR LOCAL 444 WOMEN'S COMMITTEE

**The Vice-Chair (Ms. Ann Hoggarth):** I call Unifor Local 444 Women's Committee. If you would state your name for the record, please, then your five minutes will begin.

**Ms. Sue McKinnon:** Hi. I'm Sue McKinnon. I'm the chairperson of the Women's Committee of Local 444, Unifor. I would like to take a minute to say thank you for allowing me to speak on Bill 148.

I applaud the government in taking a leadership role in creating decent work. All Ontarians will benefit from these bold and significant changes to our painfully outdated laws. With pressure from community and labour advocates, I am pleased that the government has recog-

nized that maintaining the status quo is a disservice to our province.

While the minimum wage was not included in the original review, we support the government's decision to increase it to \$15 an hour.

Unifor has been deeply involved in the process to overhaul our employment laws. We have joined with the Ontario Federation of Labour and its affiliates to put forward recommendations to the government and amendments to the current legislation. Members of our union presented at all of the 2015 public hearings for the Changing Workplaces Review. The union has established and published more than 250 pages on the topics, including 43 legislative recommendations. We have attended nearly 100 lobby meetings, organized town halls, participated in rallies and told our stories in the media and much more. We support Bill 148, but we are calling for further improvements to the law so no one falls through the cracks.

Unifor will be making a written submission to the committee reflecting the consensus priorities from the Ontario Federation of Labour. It will highlight areas that are significant to Unifor and our members.

We believe this bill needs to be strengthened in four broad areas: extending card-based certification to all workers; stronger successor rights to stop the abuses of contract flipping; protection of women through domestic violence leave; and extending the concept of broader-based bargaining.

Today, I would like to speak about the views on protection of women through domestic violence leave.

A friend of mine was in an abusive marriage with a partner for 23 years. Then she decided she couldn't take it anymore. It took two more years to get out. She had no idea where to go or what to do. It wasn't physical abuse, but it was verbal and financial abuse. It left deep scars on her.

It was August 26, 2007. She had three children—14, 16 and 18 years old—who were living with her at home. She left with a basket of clothes, three children and a van. She went to the women's shelter because she feared for her life and her children's lives. Later that night, her partner opened the gas line and blew up their house—which insurance didn't cover because he was convicted of arson. A week later, she had to get a restraining order because he left the hospital against medical advice.

She was afraid all the time. She was left with nowhere to live and very little money. The debt from their marriage caused her to claim bankruptcy six months later because her part-time wages were being garnished to pay the mortgage for the house that he blew up.

She was homeless, and for weeks stayed in a shelter. She didn't have any money to find a place to live but for the kindness of the people in the neighbourhood who knew her children. They managed to find a place that was vacant, and allowed them to stay until she was able to pay for rent.

She had to call in for a leave of absence from her job to actually rebuild her life. She lived on unemployment



insurance for three months, which wasn't even covering the waiting period—there was no money coming in for the waiting period time frame. She spent her days going to counsellors, lawyers and victims' services, talking to anyone who could help her and help her children. She had to go back to work, but every day she went back, she was afraid of losing her job. She had to call in to go to appointments to take care of her kids, who were traumatized, and so was she. Losing a day's pay for someone to tell her they couldn't help her was very discouraging.

This is a quick quote: "I'm lucky I'm one of the survivors and I made it with the help of a women's advocate at my workplace, she helped me more than she knows!"

Our union has led the way in negotiating language to help women when they are facing domestic and sexual violence. Unions have strongly prioritized negotiating language into collective agreements to protect both the survivors of violence and their co-workers. This includes time off the job, training and various accommodations.

But more than 70% of Ontarians don't have a union. That is why more workers should be able to form a union with card-based certification as well—

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you. We will hear questions from the NDP first. MPP Hatfield.

**Mr. Percy Hatfield:** Sue, thank you for coming in and thank you for telling us that story. Some of us remember it well, that horrible, horrific situation.

Your union is probably one of the most progressive in areas of—well, in many areas, but in the area of domestic and sexual abuse against women. Are you seeing the results of your training, of your advocacy? Are we seeing this diminished in any way, or is it still something that we have to be cognizant of every day because it's still happening?

**Ms. Sue McKinnon:** Yes, it is still happening as of today's date. We are constantly educating within our local and within Unifor. There is a women's advocate program, and there's an updated women's advocate program as well. But we know the shelters here in Windsor—they're actually building another one out in the Leamington area because of the need. The need is there.

A lot of people don't know where to go, how to start. Some people don't even report it; they live in silence. This is trauma.

1620

**Mr. Percy Hatfield:** We talked earlier today—and I know you've been here for the day—about the private member's bill that the NDP had put forward through Peggy Sattler. It had unanimous consent with the Liberals and the Conservatives, at second reading, to get to a committee. It still rests at committee. This calls for paid time in order for somebody in a similar situation to deal with—as you said, this lady spent her time going to lawyers, going to counsellors, going to medical people, going to creditors. It takes a lot of time to get your life in order in a situation such as that. Is this something you

would recommend to the government members, who hold the majority in government at the moment—since they've already accepted this unanimously in the House, that they can incorporate this into this bill that we're studying now? What's the importance of that?

**Ms. Sue McKinnon:** I'll start off by saying thank you very much for opening up that door, because I fully agree. I call on the government and the committee to amend the existing legislation to include 10 designated paid days for domestic and sexual violence. We need to have job protection. If Bill 26 gets passed right now—if the government is listening to me—that would help as of today's date. That is important because they can stop today—these people can get help today if they pass that bill today.

**Mr. Percy Hatfield:** I have great respect for all members across the aisle, as they know. I know that they have listened, and I know that each of them would speak to this bill in the House and would speak to Ms. Sattler's bill as well, in favour of it—because how can you be opposed to something like this? The jury is out on whether we'll see amendments to the bill. But if there are any that deserve attention and amendments that need to be incorporated, this is certainly one of them.

You also talked about the need for an easier card-check, an easier way to form a union so that we can get into contract language issues such as this in the workplace. What more could the government do to help in that line of thinking?

**Ms. Sue McKinnon:** If we do get it passed—and I really, truly believe that it should be passed, because only 7% in Ontario as of right now are physically unionized. There should be absolutely no issue. It's a democratic right to have it done. We can get it and everybody will have a safe environment at work, at home—especially if we pass that bill today, Bill 26. It is very important that we get that passed today. That will protect all Ontario females—and males, because some males do get violence; they are victims as well. It's very, very important to pass this bill. If we have any opportunity of making a change in everybody's lives, today is the day. We can start it today.

**Mr. Percy Hatfield:** Just to change the topic a bit: We're talking about scheduling, we're talking about cancellation of shifts and compensation at the committee. Unifor has a good contract if there's a parts shortage or whatever. What happens in a situation like that, if you show up to work and have to go home—

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you. We'll move to the government. MPP Martins.

**Mrs. Cristina Martins:** Thank you very much for being here and for speaking on behalf of the women you represent with such passion. We've heard the women speak here today with such passion, which is nice to hear.

Just to touch on a couple of things that are currently in this bill—and perhaps something that came up as a result of the government consulting on the Changing Workplaces Review, which was a proposal to have the minimum wage increased to \$15 an hour. We saw in a report

earlier this week and earlier today in an op-ed in the Huffington Post that this is perhaps one of the most progressive moves any government could make—to increase the minimum wage the way we have—and that it is women or newcomers to this country, immigrants or marginalized employees, who are often in these precarious jobs, having to have two or three jobs to make ends meet. It's often the women who are suffering, if I can use that term.

The op-ed went on to say that when women thrive, their families thrive and their communities thrive. They thrive, and they feel great about themselves.

Perhaps you can just talk a little bit about what this will mean for women in our communities.

**Ms. Sue McKinnon:** Thank you very much, because during our lunchtime, I actually went back and I printed it out.

**Mrs. Cristina Martins:** Oh, did you?

**Ms. Sue McKinnon:** Let me say exactly what's here, because it's a very good point.

It was actually “a fact affirmed by over 50 leading economists. In a recent editorial, four economists write: ‘careful studies find that recent minimum wage increases are boosting spending power for low-income workers and reducing inequality.’” That is actually quoted right from the article. So thank you. And it's true, and it will.

**Mrs. Cristina Martins:** I know that I've been hearing this in my office since we started this workplace review, and from women in my community who come in to talk to me about the inequality in pay. There is a separate round-table discussion going on in and around that, around the gendered wage gap. I'm hoping that this will bring some of that equality to the table. Thank you for printing that out and for reading that.

The other thing that you discussed was regarding the 10 paid leave days for those women—it's often women; sometimes they are men—who have experienced sexual violence and harassment. As a government, we feel there is absolutely no place for any type of sexual violence and harassment, whether it be in the community, in the home or in the workplace. We have a task force and an action plan to help in eliminating that.

I recognize also the sensitivity around this issue. You said that oftentimes, women are afraid. They're afraid to admit that this has happened to them. They're scared. I don't know the stat right off the top of my head, but I believe it's only one in four women who actually report the sexual violence and harassment. I hear what you're saying with regard to the current private member's bill that has gone to committee.

Can you just help me—because that's a question that I have. Here we have women who are scared to admit—they're embarrassed, amongst their family, their co-workers. How do we put this into a bill? Do we identify it? Does the woman go to the employer and say, “I have a report here,” and there's a police report that says it's sexual violence and harassment? We want to protect the woman as well, right? So just to help me, on a personal level here, to understand: How would we identify it, and

as what? There's long-term disability. There's sick leave. What is it called?

**Ms. Sue McKinnon:** What we're requesting is that it's designated, so it's separate from your ESA language.

**Mrs. Cristina Martins:** So it would be separate, but what would we call it?

**Ms. Sue McKinnon:** It would be violence. It's both, it's twofold, so it could be for sexual violence. It could be for the co-workers as well, because the co-workers in a lot of workplaces see that happen, and they get traumatized as well. Sometimes it's not just the victim; it could be both. They still have to go through the counselling and everything else.

But it should be a 10-day designated paid time frame for sexual violence.

**Mrs. Cristina Martins:** That would go on the employee's record as “10 days of sexual-violence-and-harassment leave,” and call it that.

**Ms. Sue McKinnon:** Yes.

**Mrs. Cristina Martins:** Thank you.

**Ms. Sue McKinnon:** I appreciate it.

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you. We'll move to the official opposition. MPP Yakubuski.

**Mr. John Yakubuski:** Thank you very much, Susan, for joining us today. I appreciate your advocacy.

We have heard advocacy from many, many different labour groups today with regard to the \$15 minimum wage. We do hear it repeated quite frequently that the \$15 minimum wage and all of the provisions under Bill 148, the speed and everything—in fact, some of them would like to see it immediately. They want to see it implemented. They continually cite the 50 economists who signed the letter.

I would guess that you would be aware that every one of those economists is either employed by one of the unions that are advocating for this, or is an economist at a university that teaches the theory of economics, and that not one single economist who signed that letter is working in the private sector. Are you aware of that?

1630

**Ms. Sue McKinnon:** I'm not aware, but 50 is quite a bit for Ontario and—

**Mr. John Yakubuski:** Oh, no, they're not from Ontario.

**Ms. Sue McKinnon:** Okay, 50, period. Because that's what it says: 50.

**Mr. John Yakubuski:** Yes, but they're not from Ontario.

**Ms. Sue McKinnon:** No, hear me out—

**Mr. John Yakubuski:** Some of them are.

**Ms. Sue McKinnon:** Fifty economists have actually done the study. It's written in the Post. It's quoted. I just read it. It does say “50,” and not just that. If you do raise your minimum wage up, you turn around and you feed the economy back. Everybody wins. In the end, everybody wins, because you spend what you receive. You have a living wage, and that living wage, which is \$15, believe it or not doesn't get you a lot. If you look at child



care in itself, you're spending over \$800 a month in the Windsor area, minimum, for child care.

**Mr. John Yakabuski:** I understand what you're saying, but I want to be clear that the 50 economists first of all are not all from Ontario—

**Ms. Sue McKinnon:** No. I correct myself.

**Mr. John Yakabuski:** They're all from different jurisdictions in Canada. But none of them are from the private sector, and every one of them that is speaking has already indicated—it's not that they've done a study; they're endorsing the provisions in the bill.

I would ask you, as we want to talk about protecting jobs and creating jobs: Not a single economist from the private sector has endorsed the letter. We've heard repeatedly from people who have their lives invested in their business on a daily basis. Owners of small businesses from all across Ontario in different locations where we've had these hearings have said, "My fear"—and I'm paraphrasing, because not everybody has said exactly the same thing. But they're afraid that they may not survive or they will have to either—one, they could have to raise their prices beyond the competitive marketplace, particularly, for example, a small retail business that competes with the gigantic big boxes that have taken over our country, the Walmarts and the Home Depots and the big boxes. A small business just may not be able to compete with them.

Do you have any concern that the views that they're expressing are legitimate and that, in fact, in the purported attempt to support, in your case, women—who do make up a large percentage of the vulnerable workforce and the lower-wage group—we actually further limit their opportunities by moving at this—and let's remember, they're not talking about it not being \$15; they're talking about the pace at which we implement it. Do you share any of those concerns, Susan?

**Ms. Sue McKinnon:** Well, I hear what you're saying, and I understand. Any time somebody makes change, you always have fear, right? At the same time, you've got to realize that our economy is growing. They did raise the interest rates. They're saying that we're more profitable. They did hold the interest rates for long so that we could actually grow our economy. The minimum wage was on a freeze for many years at the same time, but it's growing again. Our economy is starting to grow.

At the same time, we did hear a couple of people speak about hydro and the hydro cost, you know, and what it is for the cost of the business as well. To pay for all that, the wage has got to go along with it.

**Mr. John Yakabuski:** But where does business get the money?

**Ms. Sue McKinnon:** It's twofold, but if you keep on raising the hydro and everything else, how can a person on minimum wage be able to afford—we have so many people in poverty now—

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you.

**Mr. John Yakabuski:** Thank you, Susan.

**Ms. Sue McKinnon:** Thanks.

**Mr. John Yakabuski:** They're the ones who raised the hydro, not us.

**Ms. Sue McKinnon:** No, no, I'm just—

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you very much for your presentation. If you have a written submission, it needs to be to the Clerk by 5:30 on Friday, July 21. Thank you.

#### UNIFOR LOCAL 195

**The Vice-Chair (Ms. Ann Hoggarth):** At this time, I would call on Unifor Local 444 or their representative, John Toth.

**Mr. Emile Nabbout:** John and Dave will not be able to make it, but my name was attached to the submission to speak on behalf of the local union.

**Mr. John Yakabuski:** And your name?

**Mr. Emile Nabbout:** My name is Emile Nabbout. I'm the UPC chair for Local 195, representing about 5,000 members.

**Mr. John Yakabuski:** Emile?

**Mr. Emile Nabbout:** Yes, E-M-I-L-E.

I would like to start off by saying that I commend the government for introducing Bill 148, equal pay for equal work, even though this is long overdue. We know that the bill addresses some key positive issues.

However, I believe, as an active member of our labour union, and which would be the opinion of many union members across the board, that the government has fallen short on a very important and critical issue that has been overlooked, the key issue to prohibit replacement workers during a strike or lockout. We do believe that an addition to Bill 148 should be included: that prohibiting the use of replacement workers during a dispute—a strike or lockout—should be closely and seriously considered.

I do believe that the law should not undermine workers who are fighting for decent work and who are exercising their constitutional rights in the event of failure to bargain a decent collective agreement. When workers withdraw their services during a dispute, that process is a right of workers. Furthermore, the Supreme Court of Canada has established the right to exercise economic sanctions as a vital part of the collective bargaining process.

When an employer is allowed to use replacement workers during a strike or lockout, it hinders dramatically the rights of the worker, or employee, to use a strike as a tool. As a result, a strike can be ineffective—and can be extended to some type of violence in certain circumstances—and cannot make it as urgent a process to get both parties, the employer and the employees, back to the bargaining table in order to reach an agreement. We believe that's a fair process because the worker will not be receiving any money during the time of a strike, and, the reverse, the company will be losing some profit. So we believe it's a tool that can urge both parties, because both parties are losing, to go back to the table.

We have a great deal of experience with the difficulty that comes during a strike. There are already placed on the employees on the picket line many social and economic hardships, but the added burden of this is when

the employer can go to the courts and receive an order allowing replacement workers to cross the picket line, or limit the time we can hold them back. Many of these replacement workers come from temp agencies, which many of the previous speakers talked about. You can see them popping up across the city and Ontario. They can be used as a shield during those disputes.

One prime example of this was a strike, a dispute, we had at the Navistar plant in Chatham, which, as the MPP from Chatham-Kent has spoken about, doesn't even exist anymore. During that dispute, from a personal level, I was supporting workers during that long strike. The company had hired a security firm and put them against the workers. There was a great deal of dispute. Harm was done by a security vehicle crashing through the barrier where the union workers were standing on the side of the street, gathering to support another worker. They ran over the body of one of our union members, who was placed in the hospital in critical condition. As of today, he has not recovered and has been left with a permanent disability for the rest of his life, which has prohibited him from returning to the workplace.

**The Acting Chair (Mr. Yvan Baker):** Thirty seconds.

**Mr. Emile Nabbout:** The issue is allowing replacement workers to cross picket lines. What I really want from this panel is the opportunity to make changes prohibiting replacement workers during strikes and lock-outs. Thank you.

1640

**The Acting Chair (Mr. Yvan Baker):** Thank you very much for your presentation. The questioning will begin with the government caucus. I will move to MPP Milczyn.

**Mr. Peter Z. Milczyn:** Thank you for coming in today, Mr. Nabbout, and thank you for your presentation and for recounting to us that incident. Nobody ever wants to hear about anybody going to work, or a picket line, and not coming home safely at the end of their time there. It's unacceptable in our society that that kind of thing could happen.

I heard your comments related to the use of replacement workers; you would like to see that prohibited. Other than that with Bill 148, are you supportive of the increase in minimum wage and the other provisions in it?

**Mr. Emile Nabbout:** Definitely. Many of our colleagues already made statements representing the same organization. Minimum wage is definitely a step and a process to improve the quality of life of not only union members but across the board, especially for the people who do not have the chance to be represented by a union.

There are many, many good changes taking place in Bill 148. We appreciated the fact that the government acknowledged and made a step in this direction.

**Mr. Peter Z. Milczyn:** Thank you. In Bill 148, we're also making some changes to the way workers can try to organize the union. I appreciate that some would like card-check expanded to all workers, but the government focused on those workers in sectors that are the most

precarious, where it's not everybody walking into a factory every day, an office building, a hospital or whatever the workplace might be, but it's those types of workers who are on scattered work sites where they might not actually know any of their colleagues working for that. It might be a home care worker somewhere, a security guard in one building or somebody working somewhere else. Do you think that's a positive step in the right direction, extending that kind of provision, to try and make it easier for them to organize into a union?

**Mr. Emile Nabbout:** Definitely. These are serious issues that our union has been facing, with precarious work and temp agencies. Maybe this is one small step to address some of the issues.

However, we believe, as I stated in my report today, that temp agencies have been growing in the last seven or eight years. Definitely, they are growing, because there is a profit. They are profiting from doing what? From using labour in order to make a profit. They didn't exist as much 10 years ago.

This is one step in the right direction, but it does not address, really, the key issues for temp agencies. We believe that everybody has an entitlement to full employment and full benefits anywhere in Ontario, and to not be working for 15 different employers. You don't know which building you're going to show up to. You don't know the safety rules. You don't know the building. You don't know anything. We believe that there is a lot of work that can be done in that regard.

**Mr. Peter Z. Milczyn:** Do you think the provisions in Bill 148 that affect temporary workers, and a requirement that they be paid the same as permanent employees in a workplace, are going to help?

**Mr. Emile Nabbout:** Absolutely, it will help, because that will go back to the employer where they have to make choices. If they're going to give me the same rate of pay, and the employer can hire directly without incurring additional costs, that definitely would help.

**Mr. Peter Z. Milczyn:** And have their own employees, who might be loyal to them, actually.

**Mr. Emile Nabbout:** Exactly.

**Mr. Peter Z. Milczyn:** Thank you very much.

**The Acting Chair (Mr. Yvan Baker):** Thank you very much. I now move to the official opposition. MPP Nicholls.

**Mr. Rick Nicholls:** Thank you very much, Mr. Nabbout, for coming today and sharing with us your points of view with regard to Bill 148.

You talked about replacement workers. I've seen both sides. Of course, you referenced Navistar from my hometown. I remember that incident quite clearly.

When it comes to replacement workers, there's a reason, probably, from a corporate perspective, they need replacement workers as opposed—because if there's a labour dispute and they can't come to a resolution, the company obviously risks losing business. When you lose business, then that's potential job loss or potential plant closure, and that equals economic hardship in that community and, of course, for the families involved. Nobody



wants that. So I see that as an advantage for replacement workers. And please don't misunderstand me when I say that, because it also goes to protect the workers at the plant who are in dispute with the company at this point in time—because replacement workers are just that: there for a minimal time period until a resolution can be found between the company and the representative local. Correct?

**Mr. Emile Nabbout:** To some fashion, I would say never start a plan—as a big example, we didn't have any legislation to prohibit the replacement of workers; that plan didn't exist. What you have suggested to me today didn't work in one big facility that has 2,000 members. Plus, if we're going to make a comparison, the provinces of Quebec and British Columbia do have that legislation, and we don't see those businesses closing every day as a result of this type of legislation. So I disagree with the fact that—in the presence of this type of legislation, will the impact be more harmful? I would say it is more harmful with the absence of that type of legislation.

I'm going to give you an example. During the course of collective bargaining or when we have a collective agreement in place—most of the collective agreements have a provision stating that we will not take a strike during the term of the agreement, nor will the employer take a lockout at the same time. So we have mutually agreed that none of the parties—otherwise, it will be unlawful. During the time we are in a negotiation and the agreement has expired and there is no agreement in place, we need the government to step up, where nobody will be taken advantage of. The prohibition of replacement workers will give a balance to the union, because we're losing wages as well, as much as the company is losing profit. We're both losing. It gives a much better sense for both parties to have an urgency to go back to the table and hammer out an agreement instead of having a dispute. Every time we have a strike, it's very hard to rebuild the relationship and our respect after we return to work.

**Mr. Rick Nicholls:** I agree with that statement as well. It is difficult, because when there are strikes, no one really wins. You've got the loss of earnings, and it takes a long time to recoup that, especially the longer the strike goes on, and the workers are not doing what they're capable of doing or what they're skilled to do.

With regard to the Navistar situation, though—and there are always two sides to every story, I suspect, maybe even three. I do recall, when that worker was injured—my understanding is, he was run over by a truck driven by one of the replacement workers. At that point in time, they were actually threatening to tip that truck over, and he was horrified—

**The Acting Chair (Mr. Yvan Baker):** Thirty seconds.

**Mr. Rick Nicholls:** Thank you.

As a result, he panicked, and unfortunately there was an injured worker. And I'm not sure if the gentleman is capable of working; you implied that perhaps not. Anyway, I just want to clarify that with regard to that particular situation.

I do recognize that safety is first and foremost, and we need to ensure that our workplaces are safe and that there's proper legislation in place to protect all workers.

**The Acting Chair (Mr. Yvan Baker):** I now move to the third party and MPP Forster.

**Ms. Cindy Forster:** Thank you, Emile, for being here on short notice.

I know, having looked at 200 submissions to the Changing Workplaces Review—I had an OLIP intern in my office who actually helped me review all of those—that the number one ask of labour and workers in this province was card-check and first-contract arbitration. Unfortunately we're not seeing it in this bill. We're only seeing it for certain sectors of the workforce, not all sectors. I believe that's discriminatory and I believe that all workers have the right to join a union, and to sign a card is as good as a vote.

**1650**

What is your take on that piece, from your perspective, for vulnerable workers here in the province?

**Mr. Emile Nabbout:** Absolutely, everybody should have an equal opportunity to join a union, and the process should be simplified. It doesn't have to be complicated any longer.

This is a democratic process. If we need to use the system and the way we apply it in daily life, we should simplify it and should allow people to join the union freely, without any type of intimidation because you're working for somebody. He's paying your paycheque. By the same token, you're trying to get somebody to represent you, to deal with your issues on a daily basis. So there is a great deal of influence, and we need to take those barriers away in order to simplify the certification of the union.

**Ms. Cindy Forster:** Thank you. I'm going to turn it over to Percy.

**Mr. Percy Hatfield:** Emile, good to see you again. Thank you for reminding us about Don Milner 15 years ago on the picket line at Navistar. Actually, it wasn't a replacement worker who ran him over; it was a 21-year-old employee of the London Protection Inc. security guard company who did it. He suffered damage to his lungs, his kidney, his heart, his prostate, nerve and tendon damage. I don't believe he can walk properly or speak properly yet. And the courts let him go. He ran over four or five people on the picket line at 21 years of age and there was great outrage in the community. I remember Ken Lewenza speaking about it when he beat it. It serves us all well to be reminded that this can happen when you have replacement workers, because the union was there protesting against replacement workers, scabs, at Navistar.

Replacement workers—I think of Crown Metal Packaging in Toronto in the riding of York South—Weston. Twenty-two months on the picket line: They made beer cans, Ontario beer cans. They were on strike for 22 months, just wanted to protect what they had, and the company kept bringing in replacement workers, forcing a contract. After two years, the union had to give up the

right to file grievances a certain way. They were limited in the grievances. They scrapped their COLA clause, their cost-of-living clause, and they had to accept two-tiered wages from new employees over mature workers with seniority.

That's what happens on picket lines when you allow replacement workers. It was an NDP government that banned it; it was a Conservative government that did away with that law and brought replacement workers back to Ontario—nothing to be proud about. But that's what we are dealing with, and I thank you so much for coming in and reminding us of the need, in a mature Ontario with a great future, to ban replacement workers, to end work stoppages.

So few contracts, as you know very well, ever end up in a work dispute and a strike or a lockout. Most contracts are settled at the table.

**Ms. Cindy Forster:** It's 95%.

**Mr. Percy Hatfield:** How many?

**Ms. Cindy Forster:** It's 95%.

**Mr. Percy Hatfield:** Ninety-five per cent. If we can get away from that other 5% and do away with replacement workers, we'd be really up there. Our doors are open for business and we have to keep reminding people of that.

Emile, I want to thank you again for reminding us of the necessity and of some of the weaknesses in this proposed legislation.

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you very much for your presentation. If you have a written submission, it needs to be in to the committee Clerk by 5:30 on Friday, July 21. Thank you, sir.

**Mr. Emile Nabbout:** Thank you.

#### UNIFOR LOCAL 444 YOUTH COMMITTEE

**The Vice-Chair (Ms. Ann Hoggarth):** I now call on Dustin Heggie, chairperson, Youth Committee at Unifor Local 444.

**Mr. Dustin Heggie:** Good afternoon.

**The Vice-Chair (Ms. Ann Hoggarth):** State your name and then begin your five-minute presentation, please.

**Mr. Dustin Heggie:** My name is Dustin Heggie. It is a great honour to be an elected leader of the local which I represent.

**The Vice-Chair (Ms. Ann Hoggarth):** Would you move back from the mike?

**Mr. Dustin Heggie:** Oh. A little bit better now?

**The Vice-Chair (Ms. Ann Hoggarth):** Yes. Thank you.

**Mr. Dustin Heggie:** Excellent. Would you like me to start right from the beginning here? All right.

Good afternoon. My name is Dustin Heggie. It is a great honour to be an elected leader of the local which I represent. I am a proud member of Local 444, where I am privileged to hold the title of chairperson for the local's Youth Committee.

**The Vice-Chair (Ms. Ann Hoggarth):** Please move back from the mike. Yes, right there.

**Mr. Dustin Heggie:** Oh. I'm just so anxious here, you know?

**The Vice-Chair (Ms. Ann Hoggarth):** I know. You're excited. Go ahead.

*Interjections.*

**Mr. Dustin Heggie:** I'd like to thank you for having me here today as a speaker. I'd like to acknowledge and thank all of those who are participating in today's events. Even though we may not all share the same opinions, we are all gathered here today for the same reason, and that's to better our communities.

I'm here today to speak on behalf of Bill 148 and why being a unionized member can improve the quality of life of Canadians working here in Ontario.

I was born and raised in Windsor, Ontario, otherwise known as the automotive capital of Canada. I currently live not too far from here, bordering another capital, in Canada's southernmost community of Kingsville, which neighbours Leamington. There are a lot of greenhouses, and a lot of tomatoes and a lot of peppers are grown out that way.

But it wasn't all that long ago that Windsor held another title. It wasn't all that long ago that we were the unemployment capital of Canada. Times were tough here in the city. It was very difficult to find employment, and there wasn't anything that sounded too promising to provide us youth with an opportunity to provide for families, buy houses and live our lives.

It took until an economic stimulus package like no other was announced to truly turn the city of Windsor around. The 2017 Chrysler Pacifica truly pivoted our community into a positive direction. I was fortunate enough to be one of the 2,000-plus who were hired during that announcement. I was hired to work the assembly line and build this new product.

This took me, and many others who were hired with me, away from the minimum wage jobs. It took us away from the temp agencies. We were no longer surrounded by high turnover and dangerous situations. And I wasn't the only one who was removed from those situations.

I was welcomed by a union. I wasn't entirely sure what a union was. When I was growing up, I heard a lot of different, conflicting stories about the pros and cons of what a union is. But being part of it radically changed my life. Being part of a union has made my life better. It has provided me with an opportunity to earn an honest living. It has provided me with an opportunity to have benefits, and something that I thought I'd never be able to say here, which is that I have a pension—something that many Canadians will never have the ability to say. This is what happens when we're driven by a low-wage economy, where it's the low man who always wins, and we're always struggling to be cheaper and do it for less.

The biggest difference that I saw in the union, though, is that I'm no longer alone in the workplace. I don't have to worry about my co-workers telling me that I'm going to lose my job for saying, "Hey, my safety equipment is



not working; my hands are burning.” I don’t have to worry about temp agencies. I don’t have to be shuffled from shop to shop, where you’re released 85 days into your 90-day training period, just to restart someplace else. I’m not concerned about those things happening because I have job security, I have a union, and I have that support that surrounds me on a regular basis. Everybody should have the right to feel that way while at work in the workplace.

People who work under a collective bargaining agreement statistically tend to have jobs that people in their community refer to as “good-paying jobs.” Those are the jobs that people want. They have the benefits, they have the security and they have the wages in order to provide for their homes, themselves, their families and future generations of children and grandchildren.

Minimum wage has been at a standstill for 12 of the last 20 years, from 1995 to 2015. It’s extremely difficult. I’ve had the opportunity to work at minimum wage for \$11-and-some-change an hour, and I’ve also had an opportunity to work for \$15 an hour. I can assure you, the quality of life is absolutely better at \$15 an hour than it is at \$11-and-change.

There has to be an increase in the minimum wage. That is something that we absolutely have to have happen in order to allow Canadians to keep up with the rising cost of inflation. As energy prices continue to rise, it’s harder and harder for people to make ends meet. That dollar has to go a little bit further, and that dollar has to be considered as, “Hey, do I put this towards my rent or do I buy groceries this week?” That’s a decision that shouldn’t have to cross people’s minds at any time of the year.

With me saying that the minimum wage has to be increased, I understand that that is a very controversial statement that we’ve been debating all across Ontario. We’ve been hearing both sides of every single party. It’s one that has been consistent since the very inception of a minimum wage. Every step of the way, whenever somebody has hinted at increasing it, we’ve had people on the one side saying that this is going to be the doom and gloom of society, this is going to be—

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you.  
1700

**Mr. Dustin Heggie:** That was five minutes already?

**The Vice-Chair (Ms. Ann Hoggarth):** That’s five minutes already.

**Mr. Dustin Heggie:** Holy cow. All right.

**The Vice-Chair (Ms. Ann Hoggarth):** We will go to the official opposition. Mr. Yakabuski.

**Mr. John Yakabuski:** Thank you, Dustin, for joining us. Listen, when I’m speaking in the Legislature, I can’t believe how fast the clock runs. When everybody else is speaking—

**Mrs. Cristina Martins:** Oh, we can.

**Mr. John Yakabuski:** Yes.

When everybody else is speaking, I can’t believe how slow it runs.

I thank you for your presentation and your views. Congratulations on securing—are you on the line for the Pacifica?

**Mr. Dustin Heggie:** Yes. It’s a beautiful vehicle.

**Mr. John Yakabuski:** It is a beautiful vehicle.

I drove a number of Caravans over the years—four or five of them, in fact—but I drive a Ram truck now. My kids have gotten older, and I thought I can get away with driving a truck. I do like the truck, but I did enjoy all the Grand Caravans as well.

On the issue of the minimum wage: I certainly understand how you feel about it. There’s no question about it: We’d all like to see everybody have more money in their pocket. That’s the benchmark of any successful society—where all of its citizens’ lives are at a level that everyone can say that they’re doing okay. There are always going to be differences because we have different economic standings for different professions etc. But we all want to do better.

I appreciate that you’ve articulated that the issue is not cut and dry and a one-sided issue where there are unanimous views on it. So I want to ask you about the other side, about the small businesses that are also—with the signing of the Pacifica deal in Windsor and stuff like that, it also means better economic conditions for these small businesses that sell pizzas and stuff like that as well—and I’m looking forward to that shortly. But at the same time, if those businesses are in a position where—and their bottom lines are tight, and I hope everybody acknowledges that and understands that being in a small business is not a flawlessly lucrative proposition. In fact, in the foodservice business, they have the highest failure rate of any sector of the Canadian economy.

So when small business says, “I can’t absorb this in this time frame; I need more time”—and you have to understand, too, Dustin, that it was never part of the discussion. Small business organizations and representative groups were part of the Changing Workplaces Review, but the minimum wage was never part of that discussion. It went on for a couple of years, and it was never part of the discussion. Now they’re saying they can’t adjust quickly enough.

Do you feel that those concerns that they’re articulating are fair comments and they’re being straightforward in what they’re saying?

**Mr. Dustin Heggie:** Absolutely, but I truly believe that small businesses won’t be affected in the negative way in which everybody believes. Small business is driven by passion. You’re going to have an individual who wants to make pizzas, who wants to package flowers, who wants to do stuff because that’s something they’re interested in. People aren’t going to open up a business and invest tens of thousands of dollars into doing something if they’re not passionate about it. I believe that a small business will absolutely not go under because of this. Sure, there will be some collateral damage along the way, but the passion is going to continue to drive it.

We’re hearing a lot of different comments about how the cost of living is going to continue to increase and this

is going to cause everything to skyrocket. I truly don't believe that the wages are what's going to be crippling the economy. I truly believe that there are larger underlying factors, including the rising costs of electricity and hydro and the cap-and-trade, that are harming our sustainability in the agricultural sector. I truly believe that those are the factors that are allowing Ontario to no longer be as competitive as we once were.

Windsor, Ontario, used to be the staple of the middle class. This is where people wanted to go to find work. At one point in time, you could walk out of high school and you could get a job at GM, Ford or Chrysler. Those days are gone now. We have to be able to adjust moving forward, so this way people who are living below that poverty line have a fighting chance to feed their families at the end of the week, to have a roof over their head.

The additional monies that they're making, the \$3, the \$4, whatever it happens to be per hour, isn't going to be going towards trips to Hawaii. That's going to be spent likely on payday at the grocery store.

**Mr. John Yakabuski:** Or paying their hydro bills.

**Mr. Dustin Heggie:** Exactly.

**Mr. John Yakabuski:** Dustin, I couldn't stop you because you were saying all the things we've been saying for the last few years with regard to the government and their thoughts on the electricity system.

**Mr. Dustin Heggie:** I'm sorry for coming here to be a broken record player.

**Mr. John Yakabuski:** No, no. You sound like a very, very interesting young man, and I wish you the very, very best in your career at Chrysler as well.

**Mr. Dustin Heggie:** I appreciate that. Thank you.

**The Vice-Chair (Ms. Ann Hoggarth):** We will move to the third party. MPP Forster.

**Ms. Cindy Forster:** Thank you, Dustin, for being here and for being so passionate.

You did mention being in some dead-end jobs before you got actually this job, where you would get to your 89 days, and then you'd either have to sign a new contract so that you didn't get a wage increase or the employer didn't have to continue to employ you.

**Mr. Dustin Heggie:** If that came. I've worked in temp shops where people who were working beside me have been part of a temp agency for over 10 years. Let's just let that sink in: There are people out there working in temp agencies for over 10 years.

**Ms. Cindy Forster:** One issue that has arisen that people have talked to me about in my riding is that governments are providing subsidies, perhaps for youth employment or perhaps for your Second Career employment. What happens is they get to these employers, they don't actually receive the training that they were supposed to receive, and they are not even doing the work that was set out in their application.

In one case, it was a young man in southwestern Ontario who got his own heating and air conditioning certificate, then applied for a job, got hired by an employer under a subsidy, and never, in that period of time that the employer was receiving the subsidy for—six months,

whatever it was—worked in his trade. He was doing all kinds of other things for this employer. So he didn't even get any on-the-job experience.

Have you heard of similar situations?

**Mr. Dustin Heggie:** That definitely doesn't add up very well. But I have been in situations where I'm hired to do a job, and the next thing you know, I'm working on an 18-wheeler. I'm sorry, but I'm not a diesel mechanic and I have no interest in doing that work unless I'm being paid an equal wage for an equal job.

**Ms. Cindy Forster:** Percy, do you want to weigh in?

**Mr. Percy Hatfield:** Thank you. I will.

Dustin, thank you for bringing your energy and your youth not only to Unifor, but to this committee today.

Mr. Yakabuski was telling you about how he runs out of time when he's speaking in the House. I want you to know that his peers have voted him the best orator in the House—

**Mr. Dustin Heggie:** Can we get a round of applause for that?

**Mr. Percy Hatfield:** Yes, he has received it, believe me.

You're in a union. I remember the UAW, the CAW, now Unifor—before our tremendous loss of manufacturing jobs, we led the country for 10 or 20 years in a row for per capita giving to our United Way in Windsor and Essex county.

**Mr. Dustin Heggie:** Chrysler raised \$1.2 million this year that's going right back into the United Way in their communities.

**Mr. Percy Hatfield:** Exactly. We have set the example in our community for, if you make a good wage, you give back to the community. So when you speak of the need to raise the minimum wage, I hope that resounds with people who say, "It's going to hurt business." Yes, perhaps, but it's going to help the community in different ways, because there will be more money for needed services in the community. More people will be spending money in our community.

I want you to know that some of us around here respect what your union does for our community, be it sending your members out to coach ball teams or to raise money for charities. You give so much money to charity, but it's because you earn a good wage and you have community spirit. You look upon your good fortune to have that job in the plant to give back to your community. If we can do that, if we can send out that message to help our charities, to raise more money for our charities—and if we have more money to spend, we'll spend it in our community. I want to thank you for bringing that message here today.

You were almost finished, but you still had a couple of points that you wanted to make. If you have any time left—how much time do we have, Chair?

**The Vice-Chair (Ms. Ann Hoggarth):** A minute.

**Mr. Percy Hatfield:** We have a minute, Dustin. Go ahead.

**Mr. Dustin Heggie:** All right. I'm going to try to fly through this here.



I believe Bill 148 can absolutely improve the quality of life for millions of Canadians living in Ontario, but on one condition, and that is that we go about this bill responsibly and we make a responsible decision that's going to provide the greatest benefit to the great people here in Ontario, a responsible decision that allows the Canadians of Ontario the ability to remain competitive and to band together and stand united to make it fairer in their workplaces.

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Employees should not be afraid of losing their jobs while seeking to better their livelihoods. People's jobs should be protected while going through some of the more difficult times life has to throw at them.

A union has bettered my life. A union has allowed me the ability to have security and have the benefits and have the pension that everybody should be entitled to have. Everybody has the right to better their lives, and Bill 148 is a step in the right direction. Thank you.

**Mr. Percy Hatfield:** Thank you.

**Mr. Dustin Heggie:** I appreciate it. Thank you.

**The Vice-Chair (Ms. Ann Hoggarth):** We now move to the government. MPP Milczyn.

**Mr. Peter Z. Milczyn:** Thank you, Dustin, for coming in today. A great presentation, because you have so much energy and enthusiasm.

I am so happy, as we all are, to hear that after going through temp agencies and different things, you found a good, permanent job working for Fiat Chrysler. I'm very proud that our government was there to help make sure that would happen, when our Conservative friends over there were opposing what they called corporate welfare handouts.

As a representative of young workers, you raised a couple of issues. You said you have a pension, something you never thought you might have. Our government and our Premier championed improved pensions for all workers, so we're ending up with the enhanced CPP, which I might not benefit from so much but you'll benefit from it a great deal. So that's great news.

I want to ask you about the temp agency experience that you had. In Bill 148, we're putting in place protections to make sure that temp agency workers, at a minimum, get paid the same wage rate as their counterparts in that work location. Is that going to help? Do you think that might dissuade some companies from using that workaround, from getting away from hiring their own full-time employees?

**Mr. Dustin Heggie:** When it comes to temp agencies, I don't like them at all. The reason I don't like them at all is from my personal experiences. I was hired into working in a machining shop where we were stamping out some steel and these parts are coming out a mile a minute. They're flying out there and they're moving fast. I was part of an umbrella company that I was working at, but I was hired with their temp agency so I wasn't really working for the manufacturing facility. One day I walked in and they said, "You're going to go to a different plant." My employer, being the temp agency, do you

think they had any idea about me being off the location which they were hired to be at?

I think there should be some more regulations put into it that don't allow for temp agencies to thrive. They shouldn't be able to profit off of bottom-dollar jobs.

I think that a raise in the minimum wage very well may cause businesses to invest into their human resources to build a quality team of individuals who are there to pump out their products and provide their services for many years to come, where high turnover isn't even remotely considered.

**Mr. Peter Z. Milczyn:** So you think it might actually lead to more full-time permanent jobs.

**Mr. Dustin Heggie:** Correct.

**Mr. Peter Z. Milczyn:** That's good.

As a young person with a trade, I was wondering if you think our move for free tuition will help attract a lot of young people who maybe thought an education was out of their reach—it would be too difficult to try to afford, to juggle work and paying for tuition, and help move them into those areas where we know we have a shortage of skilled workers.

**Mr. Dustin Heggie:** If I qualified for it, I'm sure that would be an excellent program. But not everybody's going to qualify for that free tuition, so you're going to have a lot of students who are still trying to pay their way through college for one reason or another. Their parents may be helping them out or they may make too much money, whatever it happens to be. People should definitely have an equal pay for an equal job no matter how old they are. If you're going to discriminate against a student because they're in school and pay them \$11 an hour and then pay me \$15 for doing the same job, that's discrimination. That's not cool.

**Mr. Peter Z. Milczyn:** Yes, but I was talking about the free tuition, and there are also the rules around OSAP for student loans. They've also been relaxed, all designed to attract more young people to get that education, especially in those areas—like in a town like Windsor, where if we could get more people with the right skills, there actually would be a lot more employment.

**Mr. Dustin Heggie:** There's definitely opportunity around with the right skills: tool and die and CNC, all those sectors. You drive through Oldcastle and you're going to see a lot of now hiring signs. When it comes down to the free tuition to encourage that, yes, it can absolutely help lead to more qualified individuals in the workplace, as long as people are actually receiving the hours and the job for which they were hired to do and where they're able to practise.

You had brought up a heating and cooling individual earlier who worked there for six months and has zero experience. What's that individual supposed to do when, after that six months, they are looking for an opportunity elsewhere? They have no experience, but they've got this lovely piece of paper.

**Mr. Peter Z. Milczyn:** Thank you for coming in. I'm sure we'll be hearing about you more in the future. I have a feeling about that.

**Mr. Dustin Heggie:** Thank you.

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you very much. If you have a written submission, you have until 5:30 on Friday, July 21, to have it to the Clerk.

**Mr. Dustin Heggie:** Awesome. Thank you very much, guys. I appreciate it. Safe travels.

## WINDSOR UNIVERSITY FACULTY ASSOCIATION

**The Vice-Chair (Ms. Ann Hoggarth):** I would call the Windsor University Faculty Association.

Do you have something to distribute? If you would say your name for the record, and then your five minutes will begin.

**Dr. Frances Cachon:** Hello. My name is Dr. Frances Cachon. I'm here today representing the Windsor University Faculty Association, where I serve as the sessional director and which represents contract faculty within our association, a role I also undertake provincially as the chair of the Ontario Confederation of University Faculty Associations' contract faculty and faculty complement committee. Through this advocacy work, I have become deeply committed to and passionate about the \$15 and Fairness movement, which of course is advocating to bring fairness to workplaces across the province.

Although most people do not generally equate precarious work with professors, the realities of academic labour mirror trends across the labour market whereby precarious employment is now a defining feature of the Canadian labour market as secure, permanent, full-time positions are replaced with temporary, contract, short-term or part-time jobs with less pay and few, if any, benefits.

The extant literature clearly tells us that Canadian universities' structural reliance on contract faculty is increasingly difficult to deny. A recent CBC Radio feature estimates that more than half of all Canadian undergraduates are taught by contract faculty. OCUFA estimates that the number of courses taught by contract faculty in Ontario has doubled since 2000. The Canadian Association of University Teachers estimates that one third of all academic staff in post-secondary institutions are hired on a per-course or per-term basis.

This is echoed by the Higher Education Quality Council of Ontario, which acknowledges that "Canadian universities are increasingly employing casual, non-permanent academic workers, including non-full-time instructors."

The financial, physical, emotional and familial consequences of insecure employment are also well documented in the extant literature, as are the broad social implications: more illness, more mental health issues, more health care costs and so forth. In short, precarious work undermines people's ability to build secure and stable lives.

Precarious work, often associated with service sector jobs, is spreading to white-collar jobs that were once

considered the realm of secure and stable employment, with pensions and benefits. This trend is pronounced in the post-secondary education sector, where a growing number of highly educated and skilled academics are working on short-term contracts, which translates to little, if any, job security.

Would you believe that I had more job security working at Burger King in grade 9 than I do as an academic with a PhD who is research-active, with an established record of teaching excellence? And I am certainly not alone. My story echoes those of academics across this province. Through my advocacy work, I have heard stories first-hand, heartbreaking stories of suffering: scholars who worked hard, gone to school and excelled to achieve their PhD and contribute to their field. After working in the academic sector for five, 10, 15 and sometimes 25 years, when their courses evaporate, so does their employment. This is simply not a labour practice that a public institution can be proud of or that can be maintained.

We must also acknowledge the gender dimensions of this precarity. Again mirroring the wider Canadian labour market, women account for 70% of part-time employees and 60% of minimum wage earners. We also know this is highly racialized. There is a lot at stake for women and gender equity in the movement to end precarious employment, and the academic workplace is no exception. We know that recent studies suggest that most of the people who are working contractually at Canadian universities are women. It's estimated that 66% are long-serving employees, and they have PhDs.

For these reasons, I recommend that Bill 148 be strengthened. We need to replace the language of "substantially the same" with "similar" or "of equal value." This would help avoid minor differences being used to justify unequal pay.

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We need to limit exemptions to cases where there are objective differences, such as seniority or merit systems. The exemptions for piecework and any other forms should be removed, and this would better align with the Pay Equity Act.

These changes will help the bill achieve its intended impact of ensuring equal pay for part-time, casual and contract workers.

I also recommend that provisions should be added that disallow the use of sequential or discontinuous contracts to prevent the achievement of workplace rights and entitlements. After a number of fixed-term contracts, employees should be treated as continuous employees. As I mentioned, or I think I did, I've worked at the University of Windsor for 10 years, yet I don't know if I have a job from semester to semester.

This provision should be accompanied by just-cause protection for contract workers when, at the end of the contract, someone else is hired to do the same work. The government should monitor the use of fixed-term contracts and assess the impact—

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you. Time is up. We'll move to the third party. MPP Hatfield.



**Mr. Percy Hatfield:** Thank you. Do you go by Maria or Maria Frances?

**Dr. Frances Cachon:** I go by Frances.

**Mr. Percy Hatfield:** Frances? All right. Or Dr. Cachon.

**Dr. Frances Cachon:** It has a nice ring to it.

**Mr. Percy Hatfield:** Doesn't it?

Years ago, my wife taught physical science and sociology at the University of Windsor as a sessional instructor. Maybe she got \$2,000 or \$3,000 a course or something. What's the going rate these days?

**Dr. Frances Cachon:** I'm happy to report the University of Windsor is setting a new standard, and we're now at \$8,000.

**Mr. Percy Hatfield:** It's \$8,000 a session.

**Dr. Frances Cachon:** Yes, but when you look at the cost of living, and how long you go to school to obtain such a high degree, it's still very inequitable compared to what tenured faculty are earning.

**Mr. Percy Hatfield:** I remember that at that time, sessional instructors, on average, had better ranks, better marks from the students on "How do you rate this professor?" than some of the tenured professors. Is that still the same?

**Dr. Frances Cachon:** It can be.

**Mr. Percy Hatfield:** I think at the time, you had to wait for the published list to come out of what classes would be available. Then you'd put your name in, and somebody decided you'd get it or someone who had never taught it would get it. Does that still happen?

**Dr. Frances Cachon:** Correct. Yes.

**Mr. Percy Hatfield:** I'm told some people are there for 20 years and still live on that contractual, sessional basis at a lot of our universities. Is that correct?

**Dr. Frances Cachon:** Sadly, that's accurate.

**Mr. Percy Hatfield:** My vision isn't what it used to be. What do those buttons say on your blazer?

**Dr. Frances Cachon:** "Fairness for Contract Faculty" and "\$15 and Fairness."

**Mr. Percy Hatfield:** I should say, "What was that?" Thank you.

**Dr. Frances Cachon:** Is that not allowed?

**Mr. Percy Hatfield:** If I am paying more and more tuition—as I understand it, and I don't mean to throw mud that way, but the Ontario government, when it comes to tuition, is the lowest province in Canada for helping universities offset the cost. It costs us more to go to Ontario universities than it does in the rest of Canada. Is that correct?

**Dr. Frances Cachon:** Yes.

**Mr. Yvan Baker:** We're the best.

**Mr. Percy Hatfield:** We may be the best, but we're the most expensive, or the government is the most parsimonious—no, not that. What's the word, anyway?

**Ms. Cindy Forster:** They're underfunded.

**Mr. Percy Hatfield:** Yes, they're underfunded, I guess. Yes, thank you. The member from Welland has given me a good word: underfunded.

If I'm paying all this money for my kids to go to university, why am I not having tenured professors doing most of the instruction? That's not to say that the younger sessionals are any less. But I get the impression that most people would think the education of their children that they're paying for is coming from people with the most credentials, or people who have been there and have written the most books, or whatever.

**Dr. Frances Cachon:** Yes. I think it's really essential, when we contextualize this discussion, that we focus on the fact that these are scholars who are publishing and going to conferences. It is not that they don't have the merit that's required to do a good job. It's that they're cheap labour. As long as universities are underfunded and we don't publicly speak of this employment inequity, then it remains the secret of the academy, and the general public doesn't know that their children are being taught by precarious workers, essentially.

But I really want to emphasize that these are very accomplished scholars. They're writing books; they're attending conferences. I held a major grant last year; it was for three years. It's not that they're not accomplished. It's simply the fact that this is the new reality of the academic labour market. Because it's underfunded, because it's such a complex issue, people will try to sidestep responsibility.

But I really want to echo the fact that as a public institution, universities can and must do better. We can't rely on the complexity of the labour market, particularly the academic labour market, to not set good minimum standards. Whoever is teaching the course, they should be compensated accordingly, as anyone would be who is teaching the course.

**Mr. Percy Hatfield:** I agree.

What's the ratio of tenured professors to sessional?

**Dr. Frances Cachon:** It's almost half.

**Mr. Percy Hatfield:** Almost half.

**Dr. Frances Cachon:** Yes. It's a really good question, because there's a dearth of statistics. As you know, this is not something that you want to advertise. When you have orientation week, you're not putting on a poster, "You will be taught by a precarious professor." This is not something that's openly, publicly discussed oftentimes, and that's why many people are shocked to find out.

Many people, when I speak of it, say, "You've got to be kidding me. That can't be right. That can't be true." I'm afraid it is.

**Mr. Percy Hatfield:** Chair, I just want to go on the record as saying I'm a very proud graduate of the political science department at the University of Windsor.

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you, MPP Hatfield.

**Dr. Frances Cachon:** As am I.

**Ms. Cindy Forster:** Do I have any time?

**The Vice-Chair (Ms. Ann Hoggarth):** Twenty seconds.

**Ms. Cindy Forster:** I just wanted to say thank you for being here. Your colleagues across the province have been tenacious. They've been consistent. We've heard

the same story, so I know it's happening at every university across this province. We look forward to assisting you in getting some amendments into this bill.

**Dr. Frances Cachon:** Thank you very much. That's a very critical point: It is not a University-of-Windsor issue. This is structural, this is systemic. This is a national issue.

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you. We'll move to the government. MPP Milczyn.

**Mr. Peter Z. Milczyn:** Thank you, Dr. Cachon, for coming in today. I appreciate your presentation. As Ms. Forster said, we've had other colleagues of yours from other institutions share the same concern with us over the course of this week. You may be on to something for another button with "Precarious Professor." That might not be a good thing, but it has a ring to it.

I wanted to ask you, in terms of Bill 148 and different aspects of it—I understand your particular issue on behalf of you and your colleagues, but do you see Bill 148 in its whole—do you think it's going to be beneficial to Ontario workers?

**Dr. Frances Cachon:** If I could speak to it, I definitely, obviously, am a big supporter of increasing the minimum wage. I teach regularly in public health and about social policy, and I know that poverty is a public policy decision. Poverty occurs when our housing is too high, when our education is too high, when you have mounting student debt. Raising the floor for workers is not only good for workers, it's also good for our community at large, our society.

In fact, the research also indicates that there are higher retention rates, less training and happier employees. It's Organizational Culture 101: When you feel acknowledged, validated and fairly compensated, you want to actively contribute to that organization. I think it has a strong potential to raise the floor, as long as these exemptions are really thought about and we have the impact we want to have with the bill.

**Mr. Peter Z. Milczyn:** Just on that, you started speaking, really, about the social determinants of health.

**Dr. Frances Cachon:** You know about the social determinants of health? I'm so excited. Yay!

**Mr. Peter Z. Milczyn:** Of course. Especially with younger people trying to get an education, trying to get a foothold on their future, the free tuition, the relaxed rules around OSAP, the universal pharmacare for those 25 and under: Is that going to help our young people establish themselves more strongly and more quickly?

**Dr. Frances Cachon:** Yes, definitely.

One of the things we often hear about in popular discourse is the millennials, the crisis of the millennials. What we often don't talk about are the structural economic realities of millennials—how they're working on contract, part-time work, insecure work; mounting student debt; a lack of job security and prospects. I think that these conversations are vital to create and cultivate a more inclusive Ontario, and I think it could set a great national standard for exactly that framing of the social determinants of health, of looking at it holistically and

creating a future that's bright, as opposed to the reality that many of my students understand first-hand. When I talk about precarious work, the students are always, "We get it, Miss. We have those very jobs. I just can't believe you do, but we have them too." They get it.

1730

**Mr. Peter Z. Milczyn:** Over the last 20-odd years, our economy has transformed into this economy where there's more part-time work, temporary work, and companies have tried to avoid hiring those full-time, permanent employees.

Through these discussions we've had over the course of the week, some employers have started saying, "Well, with these changes, I'm not going to hire those part-timers. I'm going to concentrate on having more mature, more experienced full-time employees." To my mind, that's actually what we want; that's a positive. Do you think so?

**Dr. Frances Cachon:** Yes. When I look at something like the grocery store sector—when I was an undergrad, I was lucky to get that job, and it helped me go to school. It had benefits and predictable scheduling. So many of those jobs have been eroded and eroded, and it's casualized and part-time. So, yes, we need to really rethink this idea. I'm very critical of this idea that we can't afford it. The grocery store lobby is one very strong lobby against this legislation. We know that their profits are high. They can afford it.

Again, we have to think about, what are the true costs associated with low-wage work? That requires this holistic thinking about our society: mental health, physical health, neighbourhoods. The fact is, when we think about the social determinants of health, we understand that raising the floor enhances and creates the more inclusive, just society we want.

**Mr. Peter Z. Milczyn:** Thank you very much for your presentation.

**Dr. Frances Cachon:** Thank you very much for having me.

**The Vice-Chair (Ms. Ann Hoggarth):** We'll now move to the official opposition. MPP Yakubuski.

**Mr. John Yakubuski:** Thank you very much, Dr. Cachon, for joining us today.

I do have to take exception to one of your last comments—unless you know something that we haven't been informed of. The numbers are available, and they were articulated to us more than once this week: The national average for profit margins in grocery stores is in the 2% range. The net profit at the end of the year—

**Dr. Frances Cachon:** For Loblaw's?

**Mr. John Yakubuski:** For grocery stores.

**Dr. Frances Cachon:** I'm not familiar with that data. I'd have to look at it.

**Mr. John Yakubuski:** It's all about volume. Obviously, no one can survive without eating, so somebody has to go to a grocery store at some time. But they are concerned about—when it is a percentage—what a huge percentage increase in their labour costs could do to them, and labour costs make up a significant part of that.



But on to your issue, because that's what you came here to talk about: Not to doubt Mr. Hatfield—I don't think he meant it that way, but he used the word "young." In Thunder Bay, we had a contract professor who was in excess of 60 years old. So it doesn't just affect the young. She had been in that world, if we want to classify it as that, for 20-some years. I believe, Cindy, you would agree.

**Ms. Cindy Forster:** That's right, yes.

**Mr. John Yakabuski:** For 26 years or something, she had been locked, if you want to call it that, in that situation, where she was continuously going from year to year and not knowing from one semester to the next if she'd actually have gainful employment.

I have to admit—and you're talking about how the public doesn't know—I didn't know how pervasive the percentage was. Even at Queen's, where we were yesterday, the gentleman articulated that about 20% of the faculty are contract or adjunct—we can use different adjectives. He said they teach about 50% of the course load. In the case of some universities where that is much higher than the 20%, they might even be teaching a higher percentage of the course load. I have no idea how we got there. I did ask him the question: Does this seem to be growing or is it stagnant over the decades? Could you even attempt to answer that?

**Dr. Frances Cachon:** One of the major problems with this issue is the secrecy. Some research has to rely on—I can't think of the term.

**Mr. John Yakabuski:** Publicly available information?

**Dr. Frances Cachon:** Yes, the fact that they have to publicly disclose this, information acts. Even then, universities have resisted letting this data go because it doesn't reflect well on them, it doesn't reflect well on their labour practices. Capturing that growth is difficult because it isn't widely publicly available, and as one of the major advocacy—

**Mr. John Yakabuski:** Anecdotally, what do you think?

**Dr. Frances Cachon:** I think it's growing. I think it's growing in ways that other sectors of the labour market have reflected: growth in the contractual part-time.

**Mr. John Yakabuski:** The other question, then, and I have to ask this because, not having known the first part, we have to ask: What is the implication?

Let's just say for the sake of argument that this change was made and that contract or sessional professors were

paid the same as tenured professors starting January 1 with the implementation of Bill 148. Let's just say for the sake of argument that the changes were made and it triggered that change. What would that mean to the cost to the university and, because primarily they're funded by the province, therefore the cost to the province and, in general, the cost of education?

**Dr. Frances Cachon:** I think it would be about how we frame it, right? For me, universities have public mandates and they have mission statements. If you read the mission statements of most universities, it's a lot of discourse about creating inclusive, just societies and engaging in discussions of social justice. To me, those two things don't align: having a two-tiered economic labour market while you are professing these values that you don't uphold yourself.

**Mr. John Yakabuski:** We still have to pay for it somehow.

**Dr. Frances Cachon:** We do have to pay for it. I think that when we have these discussions, again, I really want to emphasize a whole—

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you, Doctor. Sorry.

**Mr. John Yakabuski:** That can't be over.

**The Vice-Chair (Ms. Ann Hoggarth):** It is.

**Mr. John Yakabuski:** Okay. I get that variety with the Chair.

**Dr. Frances Cachon:** I was just going to say the fast answer.

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you, Doctor.

**Dr. Frances Cachon:** I'm totally out of time?

**The Vice-Chair (Ms. Ann Hoggarth):** If you would like to send us a written—

**Dr. Frances Cachon:** I will. Those are great points to address in my submission. Thank you.

**The Vice-Chair (Ms. Ann Hoggarth):** The Clerk needs to receive it by 5:30 on Friday, July 21.

**Dr. Frances Cachon:** Thank you very much, everyone.

*Interjections.*

**The Vice-Chair (Ms. Ann Hoggarth):** If you would like to speak to them separately, that's fine.

We're going to adjourn until 9:30 a.m. on Monday, July 17, in London. Thank you.

*The committee adjourned at 1737.*





"that as the people don't know what's going on, they have to be educated. Now to educate the people—I don't think we should do that way, but to want the word 'young' is foolish. But we have a common knowledge when we're young, and that's what we should be. It doesn't matter after the young, but that's what we should be. It's not what we should be, but that's what we should be. It's not what we should be, but that's what we should be."

Mr. John Vukobrat: That's right, yes.

Mr. John Vukobrat: The 26 years of something, the last thing, if you want to call it that, is that something, which is a common knowledge going from year to year and we're going from that and we're going from that, if we're going from that, it's not what we should be, but that's what we should be."

I think it's important to say to the people that the people don't know what's going on, they have to be educated. Now, I don't think it's right, but to want the word "young" is foolish. But we have a common knowledge when we're young, and that's what we should be. It doesn't matter after the young, but that's what we should be. It's not what we should be, but that's what we should be."

Mr. John Vukobrat: That's right, yes.

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